

Cabinet

Agenda

Date

Tuesday 23 October 2018

Members of the Cabinet

Mr S A Vincent
Chairman (Leader) Policy

Mrs T M Mancini-Boyle
(Deputy Leader) Finance

Portfolio holders

Mrs J K Copplestone Economic Development

Mr J F Fisher Environmental Excellence

Mr R R Foulger Housing and Wellbeing

Mr I N Moncur Planning

Mr G Peck Transformation and
Organisational Development

Time

9.00 am

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

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If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Head of Service.



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**The Chairman will ask if anyone wishes to
film / record this meeting**

A G E N D A

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|----|--|---------|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of meeting held on 25 September 2018</u> | 4 – 12 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Public Speaking | |
| | <p>To consider representation from the members of the public who have expressed the wish to convey their views on items on this Agenda.</p> <p>In accordance with the Constitution a period of 3 minutes is allowed per member of the public.</p> | |
| 6 | Representations from Non-Cabinet Members | |
| | <p>To receive the views from non-Cabinet Members on items on this agenda. Members are reminded to advise the Leader if they wish to attend and speak at the meeting.</p> <p>In accordance with the Constitution a period of 3 minutes is allowed per non-Cabinet Member.</p> | |
| 7 | Overview and Scrutiny Committee | |
| | <p>The Cabinet will also be advised of views expressed by the Committee at its meeting on 16 October 2018 in relation to items on this Agenda.</p> | |
| 8 | <u>Wellbeing Panel</u> | 13 – 18 |
| | <p>To receive the Minutes from the meeting held on 8 October 2018.</p> | |
| 9 | <u>Place Shaping Panel</u> | 93 – 98 |
| | <p>To receive the Minutes from the meeting held on 9 October 2018.</p> | |
| 10 | <u>Budget Look Forward 2019-20</u> | 84 – 91 |
| | <p>To receive a report setting out a provisional forward look at the Council's medium term financial position.</p> | |

- 11 [Greater Norwich Local Plan Reg 18 Consultation on New, Revised and Small Sites and Draft Statement of Consultation](#) 19 – 46
- To receive a report from the Head of Planning.
- 12 [Dog Fouling Public Space Protection Order](#) 47 – 78
- To receive a report that proposed adopting a Public Space Protection Order to control dog fouling in the District.
- 13 **Exclusion of Press and Public**
- The Chairman will move that the Press and public be excluded from the meeting for the remaining items of business because otherwise, information which is exempt information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by The Local Government (Access to Information) (Variation) Order 2006, would be disclosed to them.
- 14 [Grounds Maintenance Contract](#) 79 – 82
- To receive a report setting out options for a Grounds Maintenance Contract.

P C Kirby
Chief Executive

Minutes of a meeting of the **Cabinet** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 25 September 2018** at **9.00am** when there were present:

Mr S A Vincent – Policy (Chairman)

Portfolio holders:

Mrs J K Copplestone	Economic Development
Mr J F Fisher	Environmental Excellence
Mr R R Foulger	Housing and Wellbeing
Mrs T M Mancini-Boyle	Finance
Mr I N Moncur	Planning
Mr G Peck	Transformation and Organisational Development

Mrs Bannock also attended the meeting for its duration.

Also in attendance were the Chief Executive, Deputy Chief Executive, Head of Planning, Economic Development Manager, Private Sector Housing Manager, Environmental Protection Manager (Special Projects), Housing Enabler and the Committee Officer (JO).

36 MINUTES

The Minutes of the meeting held on 28 August 2018 were confirmed as a correct record and signed by the Chairman.

37 REPRESENTATIONS FROM NON CABINET MEMBERS

The Chairman agreed that, at his discretion, all non-Cabinet Members in attendance be allowed to join the debate at the relevant point of the proceedings on request.

38 OVERVIEW AND SCRUTINY COMMITTEE

Cabinet received the Minutes of the meeting of the Overview and Scrutiny Committee held on 11 September 2018.

39 SERVICE IMPROVEMENT AND EFFICIENCY COMMITTEE

Cabinet received the Minutes of the meeting of the Service Improvement and Efficiency Committee held on 10 September 2018.

40 COMMUNITY GRANTS PROGRAMME REVIEW 2017/18

The report reviewed the operation of the Community Grants Programme in 2017/18 and proposed options for the future implementation of the programme.

The Economic Development Manager drew Members' attention to two errors in the report; a £5,000 grant for Reedham Parish Council in Appendix 2 was incorrectly listed twice. This reduced the number of Community Capital Grants for 2017/18, as detailed in paragraph 3.6, to four at a cost of £15,700.

Since October 2017, the Norfolk Community Foundation (NCF) had delivered the Council grants scheme very effectively. However, it was not proposed that this funding would be added to and it was envisaged that by the end of March 2019 these funds would be mostly allocated to projects. Currently balances being held by the NCF for Community Activities and Small Grants was £37,375 and £27,003 for Community Capital Grants. It was proposed that the scheme remained 'live' with the NCF until all the budgets were spent. Other Service Level Delivery Agreements would continue to be funded, but from different sources.

At South Norfolk Council a scheme operated that allowed Members £1,000 each to allocate to community projects within their Wards. Members had suggested that a similar scheme could be adopted at Broadland. Should Members wish to proceed with a scheme similar to the South Norfolk scheme, a growth bid would be included in the budgets for the 2019/20 financial year. It was proposed that initially the scheme could start with a sum of £500 per annum per Member, which would require a growth bid to the base budget of £23,500. If approved, guidelines and criteria for the scheme would be drawn up for consideration and development through the Economic Success Panel.

It was emphasised that although joint working would be done with South Norfolk, the scheme would be shaped to the requirements of Broadland and its residents.

The scheme would be administered by the Community Project Officer who would ensure that Members received support in promoting community engagement work in their Wards.

RECOMMENDED TO COUNCIL

- (1) to note the performance of the Community Grants Programme in 2017/18;
- (2) to allow the NCF to continue to operate a 'live' Community Grants programme until the current budgets were exhausted (likely to be some time in 2019/20);
- (3) to bid for base budget growth of £23,500 to fund a Members' grants scheme to be implemented from June 2019;
- (4) Subject to (3) above, to work in collaboration with South Norfolk Council to provide guidelines and criteria for a Members' grants scheme which would be overseen by the Communications and Engagement Manager.

Reasons for decision

To establish a Members' Grant scheme.

41 ESTABLISHMENT OF A GROWTH DELIVERY TEAM

The report proposed the establishment of a permanent, dedicated Growth Delivery Team consisting of three officers to work with existing teams, partners and consultants to accelerate and promote quality development in the delivery of strategic sites and add value to the new and existing communities in Broadland and South Norfolk.

Local authorities were now seen as key players in housing delivery and could be rewarded for being proactive with funding opportunities and Government support, whereas less ambitious authorities could face a potential reduction in their regulatory leverage.

The delivery of new jobs was also important for both councils and three of the strategic sites, which would be the initial focus of the Growth Delivery Team, (Rackheath, Long Stratton and Beeston Park) included a significant amount of employment land. An economic development function would, therefore, be an integral part of the team's role and purpose. Other work streams could be passed on to the team as it became established.

A further core function of the team would be to secure funding and/or deliver crucial upfront infrastructure costs to support delivery of strategic sites.

The estimated cost of the team was £150,000 – £200,000, with a consultancy budget of £100,000 per annum; with the cost split initially at 55 percent South Norfolk and 45 percent Broadland.

A bid of £150,000 to the Norfolk Business Rates Pool had been submitted to help fund the first year and the Growth Delivery Team should help to bring in additional income to both councils, which could offset the costs in the longer term.

Members requested that they receive six monthly updates on the activities of the team.

In response to a suggestion, the Head of Planning confirmed that a knowledge of both planning and economic development would be a prerequisite for the team.

RESOLVED

to

- (1) agree to the establishment of the Growth Delivery Team and the appointment of the three new posts; and
- (2) delegate authority to the respective Chief Executives to agree any interim reporting arrangements; and
- (3) to note that in agreeing these arrangements the Chief Executive had consulted the Leader.

Reasons for decision

To accelerate growth in homes and employment in the district.

42 HOUSES IN MULTIPLE OCCUPATION LICENSING

The report proposed the adoption of amenity and facility standards for licenced houses in multiple occupation (HMO) in order to meet the Council's statutory duty to licence all HMOs, with five or more people residing in the property, from 1 October 2018.

Broadland District Council currently had one HMO that required a Licence, but the amendment to the definition of an HMO could increase this number to 50.

To ensure consistency the Private Sector Housing Team had developed standards in respect of room sizes, occupancy levels, fire safety, amenities, facilities, refuse arrangements and the management of a HMO.

The standards had been consulted upon with the National Landlords Association, the Eastern Landlords' Association and the Fire Authority and had been amended to reflect their comments. Neighbouring local authorities' standards had also been considered to ensure consistency across district boundaries.

A programme of communication to alert landlords of their responsibility to request an application should their property fit the new requirement would be initiated and licensing would commence from 1 October 2018.

The new licensing procedure would significantly increase the workload of the Private Sector Housing Team, which was currently reduced due to the long-term sickness of an Environmental Health Officer. Therefore, a recruitment procedure had been initiated to appoint an Environmental Health Officer on a one year contract.

In response to a query, the Private Sector Housing Manager confirmed that a proportionate approach would be taken to enforcement, which would ensure that landlords were given an appropriate period of time to apply for a licence before any action was taken against them.

RECOMMENDED TO COUNCIL

to adopt the standards detailed in 'Amenity and facility standards for Licensed Houses in Multiple Occupation' (attached at Appendix 1 to these Minutes) as part of the Council's House in Multiple Occupancy licensing procedure.

Reasons for decision

To provide a consistent approach to the standards required to obtain a licence for Houses in Multiple Occupation in the district.

43 TREASURY MANAGEMENT PERFORMANCE FOR 2017/18

The report summarised treasury management activity during 2017/18, including the outturn of the Prudential Indicators for the year.

The Council's investments as at 31 March 2018 were as follows:

Counterparty	£(m)	Interest Rates
Investec	10.34	Return varies, dependent on the performance of the underlying fund
Payden & Rygel	3.13	
Public Sector Deposit Fund	1.00	
Certificates of Deposit	2.00	0.47%
Banks	9.00	0.72% to 0.98%
Instant access deposits with banks	7.30	0.35% to 0.40%
Total	32.76	

The Council's Investec funds were invested with an 80:20 split between Short Dated Bonds and Target Dated Funds, however, due to poor performance, the Short Dated Bond had been closed and moved to a Diversified Income Fund.

The Council also had an investment of £1m with the Public Sector Deposit Fund, but would be moving this investment back to bank deposits shortly. These, as well as some other movements from external funds, should increase the investment income of the Council. The situation would be monitored and reviewed regularly.

Actual capital expenditure during the year was £1,181,660, against a revised budget of £2,143,200. The main reason for the reduced total capital expenditure compared to base budget was a zero-spend against a budget of £560,000 for contributions to a Norfolk countywide Broadband improvement initiative.

The Portfolio Holder for Economic Development advised the meeting that the Broadband Improvement Initiative was match funded and this money would be required eventually.

The report confirmed that the Prudential Indicators set for 2017/18 had been complied with in full and that none had reached a level that indicated any cause for concern.

Treasury advisors had submitted options for the Council's investments, which were included as exempt appendices for information only.

RESOLVED

to note the outcome in respect of 2017/18 treasury management activities.

Reasons for decision

The report was a factual account.

44 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

45 LAND AT SALHOUSE ROAD, PANXWORTH

The report set out the potential options for the use or disposal of Council owned land at Salhouse Road, Panxworth.

The land at Salhouse Road was a small green field site of 0.34ha that had been in local authority ownership since 1956. The parish was classified as countryside within the Joint Core Strategy and as such had no settlement limit. The site was removed from any larger settlement and some distance from services and therefore would be deemed unsustainable.

Analysis of the current housing list data was unable to demonstrate an established local housing need within the parish and therefore it could not be considered an exceptions site for the delivery of affordable housing. Moreover, Norfolk County Highways had concerns over site access and would be likely to object to any proposed development above three dwellings at the site.

The Council also had a five year housing land supply in rural parishes, which would make it unlikely that an application for open market or custom build housing would be supported. Only very significant material considerations could outweigh planning policy in this case, such as an exceptional design development.

Members recognised that affordable housing was not a viable proposition for the site, but suggested that it could be developed for market housing by Broadland Growth Ltd, if it was of exceptional design, which would maximise the return on this asset for the Council.

RESOLVED

to request that Broadland Growth Ltd explore developing the site to an exceptional design standard for up to three dwellings.

Reasons for decision

To maximise the value of a Council asset.

46 FOOTWAY LIGHTING PROVISION

The report considered the Council's options in respect of footway lighting provision in the district.

The Council had taken legal advice from more than one source regarding its future responsibility for footway lighting and it had been confirmed that a Section 98 (5) Highways Act 1980 Notice could be served on the County Council confirming that Broadland wished to relinquish its responsibility as a lighting authority.

A requirement of the Section 98 (5) Highways Act was that the Council must give Notice within the first nine months of the calendar year, therefore the Notice would need to come into effect before 30 September 2018. If Members agreed to the proposal it would be necessary to make the decision not subject to the 'call in' period to meet this deadline.

RECOMMENDED TO COUNCIL

to endorse the following decision:

- (1) to agree to serve a Section 98 (5) Highways Act 1980 Notice on the Highways Authority (NCC) by 30 September 2018 with the intention to cease responsibility for lighting provision from 1 April 2019, including any new lighting installed in the future; and
- (2) to agree that the decision is not subject to the normal call in period due to the requirement to serve the Notice within the first nine months of the calendar year; and
- (3) if the service of the notice is ineffective, to give approval to extend the current lighting contract for six months to allow for the procurement process.

Reasons for decision

To relinquish the Council's responsibility as a Lighting Authority.

The meeting closed at 9.57am.

DRAFT

Minutes of a meeting of the **Wellbeing Panel** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Monday 8 October 2018** at **5:30pm** when there were present:

Mr R R Foulger – Chairman

Mr D Buck

Ms S J Catchpole

Mrs J Leggett

Miss S Lawn

In attendance were the Deputy Chief Executive, the Interim Head of Housing and Environmental Services, the Housing, Health and Partnerships Officer, the Emergency Planning Manager and the Committee Officer (DM).

Also present were Emma Rush – Facilitator for the Broadland Youth Advisory Board and five Young Commissioners.

10 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Mr Buck	18 – Community at Heart Update	Local Choice – non-Pecuniary – Member of Hellesdon Parish Council and involved in their Grow Your Community Project
Mrs Leggett	13 – Youth Advisory Board – General Update, Survey Results and Action Plan	Local Choice – non-Pecuniary – Broadland's representative on the Adult Youth Advisory Board

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr N C Shaw, Mr D C Ward and Mr F Whymark.

12 MINUTES

The Minutes of the meeting held on 18 June 2018 were confirmed as a correct record and signed by the Chairman.

Minute no: 5 – Health and Wellbeing Update

A Member asked if any further information was available regarding educational attainment for vulnerable groups and the Housing, Health and Partnerships Officer undertook to investigate further.

13 YOUTH ADVISORY BOARD – GENERAL UPDATE, SURVEY RESULTS AND ACTION PLAN

Members received a presentation from Emma Rush and five Young Commissioners from the Youth Advisory Board on the work and activities of the Board and the Young Commissioners. The Young Commissioners reported that they had attended training events to help develop their confidence to stand-up and speak-up for themselves; they had attended a residential event and taken part in a wide-range of activities learning new skills. They had visited the Houses of Parliament and held a joint social event with other Youth Advisory Boards.

With regard to the survey results, the top themes emerging as young peoples' priorities were: bullying, smoking/drugs/alcohol, lack of activities, confidence and mental health. Work had now begun to develop activities to link with these key areas. With regard to bullying for example, it was hoped a county-wide approach might be developed, involving schools and perhaps with Young Commissioners contributing to the development of policies, which young people felt, would help address bullying. Other activities included lobbying, particularly in relation to smoking/drugs/alcohol, and commissioning a programme to help identify the gaps in provision of youth clubs/facilities. Another area of activity had focussed on designing a project to support young people with low self-esteem, using resources such as mindfulness and yoga. Using funding from Public Health and some match funding, a cookery class project was also being developed and work was underway with Leeway to provide support for young people affected by domestic violence.

Members congratulated the Young Commissioners on their hard work and a busy schedule of activities.

In response to a comment about the lack of youth club / facilities for young people in the Drayton/Taverham area, it was noted that the survey being commissioned by the YAB would review current provision and help identify any shortfalls.

Members and the Young Commissioners then discussed the issue of how to get the message out to young people about activities, events and facilities that might be of interest to them. It was important to ensure that the methods used to share information were appealing to young people otherwise they would not use them. Most wanted information available by social media but the issue was the range of different platforms used. A useful exercise would be to survey young people to ask how they would like to receive information. The YAB did have its own website and some resources were dedicated to maintaining but it was an ongoing challenge and the web site was not greatly used. It was suggested there might be scope for the YAB to utilise Council supported social media such as the tots2teens website and the Interim Head of Housing and Environmental Services undertook to raise this matter with the Council's Communications Manager to explore options for helping the YAB to raise its profile and promote activities and events.

14 BROADLAND RESILIENCE UPDATE

Members received an update from the Emergency Planning Manager. He echoed the issues facing the YAB regarding communication and how difficult it was to share information in a way which was appealing to the majority of people. It was particularly difficult to reach young people to engage them in community activities. A range of different websites / apps / social platforms had been trialled but often ended up remaining dormant and little used. The key was to try to work out where people look for information in the event of an incident. Communities were often directed to the local radio but this was unlikely to appeal to young people. The Young Commissioners present confirmed they would probably look to their favourite platform on social media but were likely to each have different preferences.

With the winter months approaching, the Emergency Planning Officer commented that work had started to encourage parishes to put plans in place to deal with the demands of the winter. Power failure was a current area of interest as the level of risk of power failure as a result of extreme weather or a cyber-attack was increasing.

The Emergency Planning Officer stated that he would welcome the opportunity to work with the Youth Advisory Board to look at ways of facilitating young peoples' involvement in community resilience.

RESOLVED

to note the report

[Mrs Leggett left the meeting at this point and the Panel was inquorate. Members agreed to continue as an informal meeting.]

15 HEALTH AND WELLBEING BOARD – NORFOLK AND WAVENEY – OUR JOINT HEALTH AND WELLBEING STRATEGY 2018 – 22

Members considered the report inviting the Panel to consider taking an active role in the Health and Wellbeing Board – Norfolk Joint Health and Wellbeing Strategy 2018 – 2022 and recommending to Cabinet that the Council formally sign up to the Strategy.

The Health and Wellbeing Board Strategy Priorities were inequalities, prioritising prevention and integrated working. A number of challenges had been identified and strategies proposed to address these. Although the strategy was being developed as a countywide initiative, there was a fundamental role for district councils in its preparation and implementation. Representatives from the district councils had met to formulate their priorities for action and the key theme of Homes and Health had emerged with three

key areas: warm and healthy homes, integrated locality working with multi-disciplinary teams, and improved discharge from hospital.

The Chairman commented that the opportunity for the district council representatives on the Health and Wellbeing Board to get together with other members of the Board had been invaluable in raising awareness of what the districts were doing. Communications had improved considerably and a desire to achieve clear routes for tackling current health issues and understanding who did what. District Councils had a significant role to play in the health and wellbeing of communities.

It was agreed to take an active role in the Health and Wellbeing Board – Norfolk Joint Health and Wellbeing Strategy 2018 – 2022 and to **RECOMMEND CABINET** to formally sign up to the Strategy.

16 SOCIAL PRESCRIBING AND SOCIAL ISOLATION SERVICES IN BROADLAND

The Housing, Health and Partnerships Officer reminded Members that social prescribing and social isolation were both services commissioned by Norfolk County Council by way of a collaboration of interested parties.

With regard to social prescribing, the service covered the Norwich Clinical Commissioning Group and entire Broadland District area and, in the first month, the commissioned service had received 67 referrals, the majority of these involving welfare benefits and isolation. Support given as part of the service was provided by way of five different organisations sitting under the umbrella of the Norfolk Community Advice Network. The largest group of service users accessing support was the over 65s and the second highest was the 18-25 age group. Evidence suggested they were at a high risk of social isolation. Initial thoughts were that the commissioned services would be hosted within GP surgeries but most of the referrals were being received via other means. The capacity for referrals had been estimated at approximately 3500 but this might need reducing.

With regard to social isolation services, these were commissioned by the County Council and funded through the supporting people budget. The aim was to provide 1-1 support, identify local community groups and volunteers and build community capacity. Services in Broadland were currently provided by two different organisations split on Clinical Commissioning Group boundaries but the aim was to have one single access point / contact number for all users. Members of the public would be able to self-refer into the service. Staff from both providers would be represented in the Broadland Help Hub.

Members welcomed the update report and noted the progress being made.

17 TRANSFORMING CHILDREN'S CENTRE SERVICES – NORFOLK COUNTY COUNCIL

The County Council had launched proposals for a new early childhood family service and a consultation on the proposals was taking place ending on 12 November 2018. Members considered a briefing paper setting out the proposed aims of the new service. Current children's centre contracts were due to come to an end in September 2018. Nearly a quarter of families in greatest need were not currently accessing services at the present time and the plan was to change this by developing a new outreach model getting services out to the communities and to homes. There was also a need to achieve savings in costs. The new service would see the closure of 53 of the current children's centres and the retention of 7. In Broadland this would equate to the loss of 7 centres but the retention of the Drayton / Taverham centre.

Officers were preparing the Council's response to the consultation and invited Members' views. A number of concerns were raised about the loss of the centres and the impact of this on vulnerable families. Many families relied on the centres for social interaction and were unlikely to seek home visits or access support via the proposed on-line service. It was felt there were many questions which need to be considered and answered about the proposals. Officers undertook to circulate the full consultation document to all Members to enable them to formulate a Council response to the questionnaire. In particular, ward Members for the areas where centres were due to close were urged to respond to the consultation.

18 COMMUNITY AT HEART

Members received and noted the report of the Community Projects Officer on work undertaken to date.

19 FUTURE WORK PROGRAMME

- Supported Housing/Housing with Care – December 2018
- Active Norfolk – Broadland Locality Plan – Update
- Early Intervention and Community Safety – annual report to Overview and Scrutiny – March/April 2019

20 ANY OTHER BUSINESS

None raised.

21 FUTURE MEETING DATES

The dates of future meetings were 3 December 2018, 28 January 2019 and 1 April 2019. At the request of the Chairman, the date of the 3 December meeting was changed to 10 December 2018.

The meeting closed at 7:00pm

DRAFT

GREATER NORWICH LOCAL PLAN REG 18 CONSULTATION ON NEW, REVISED AND SMALL SITES AND DRAFT STATEMENT OF CONSULTATION

Portfolio Holder: Planning
Wards Affected: All

1 SUMMARY

- 1.1 The Greater Norwich Development Partnership (GNDP) has considered proposals for a consultation on new, revised and small sites which have been submitted on the Greater Norwich Local Plan (GNLP), and recommends that the constituent authorities agree the content of the consultation. Also, a first draft of the Statement of Consultation for the Local Plan has been produced, setting out a summary of comments received. This is recommended for noting by the constituent authorities.

2 KEY DECISION

- 2.1 The Additional Sites consultation is a key decision and has been published in the Forward Plan.

3 BACKGROUND

- 3.1 A consultation was held on Issues and Growth options and potential development sites for the proposed Greater Norwich Local Plan earlier this year. A summary of the responses has been produced by the GNLP Team which will form the first part of a draft Statement of Consultation (Appendix 1). Also, a number of 'new' potential development sites that were not included in the initial consultation, have been put to the GNLP Team for consideration for possible allocation in the Local Plan. It is proposed that a further specific 'focussed' consultation is held on these and the details of this are set out in Appendix 2. The GNDP Board has recommended that the contents of the draft Statement of Consultation are noted and that the focussed consultation is agreed by the constituent authorities.

4 PROPOSED ACTION

- 4.1 It is proposed that Cabinet considers the GNLP reports and the recommendations made by the GNDP.

5 RESOURCE IMPLICATIONS

- 5.1 Production of the GNLP, including the Statement of Consultation and consultation on sites, is within the work of the GNLP Team which is resourced under the arrangements for the Greater Norwich Development Partnership.

6 LEGAL IMPLICATIONS

- 6.1 When completed and adopted the GNLP will become part of the Development Plan, superseding other existing plans (Joint Core Strategy, Site Allocations, and Growth Triangle). To be found sound, the production of the Local Plan has to undertake appropriate consultation and produce a robust Statement of Consultation.

7 RISK IMPLICATIONS

- 7.1 If it cannot be demonstrated that appropriate procedures have been undertaken there is high risk that the Local Plan will be found unsound.

8 EQUALITIES IMPLICATIONS

- 8.1 As part of its production, the GNLP Statement of Consultation has undergone an Equalities Impact Assessment (Appendix 3). Also, the consultation on sites will be in accordance with the Council's approved Statement of Community Involvement on planning matters that itself has undergone an equalities impact assessment.

9 CONCLUSION

- 9.1 The Cabinet has the following options:

- (1) to accept the Greater Norwich Development Partnership recommendation to note the initial part of the draft Statement of Consultation on the Greater Norwich Local Plan (as set out in Appendix 1);
- (2) to accept the Greater Norwich Development Partnership recommendation to agree the content of the proposed consultation on new, revised and small sites (as set out in Appendix 2);

or

- (3) to not accept either or both of the above recommendations.

Phil Courtier
Head of Planning

Background papers

None

For further information on this report call John Walchester on (01603) 430622 or email john.walchester@broadland.gov.uk.

The Greater Norwich Local Plan draft Statement of Consultation

Recommendation

The Board recommends that the constituent authorities note the content of this report and its appendix which provides a detailed summary of responses made to the Greater Norwich Local Plan (GNLP) Regulation 18 Growth Options consultation in early 2018. The appendix is the first draft of the Statement of Consultation which will be submitted to the Secretary of State with the GNLP.

Report

1. In June 2018 the Greater Norwich Development Partnership (GNDP) considered high level feedback on the Regulation 18 consultation on the Greater Norwich Local Plan (GNLP). The consultation was held between January and March 2018.
2. The high level feedback report covered the consultation process and key issues raised through it. It also stated that more detailed feedback would be reported in September / October 2018 when the draft Statement of Consultation would be produced. When complete, the Statement of Consultation will provide the main record of consultation on the GNLP for the Inspector to consider when the plan is examined.
3. Appendix 1 to this report is the first draft of the Statement of Consultation. This draft covers the Growth Options element of the consultation and provides an overview and summaries of the responses received to the questions in the Growth Options document. In some cases, the overviews repeat the high level issues reported in June. Organisations are named in relation to specific comments, but individuals are not. Appendix 1 is available from the September 2018 section at <http://www.greaternorwichgrowth.org.uk/planning/greater-norwich-local-plan/>
4. The draft Statement of Consultation will be added to as consultation progresses to include information on further consultations undertaken and summaries of the comments made on:
 - a. The sites submitted for consideration. This will include both those consulted on early in 2018 and those to be consulted on shortly (see the Focussed Sites Consultation report on this agenda);
 - b. The Interim Sustainability Appraisal (SA) and evidence base;
 - c. The Regulation 18 draft plan, which will be consulted on in Autumn 2019.

5. Summaries of the consultation comments already received on the Site Proposals document, the Interim SA and the evidence base are available from the “Have Your Say” tab of the GNLP consultation website here. Members will be informed at the GNDP meeting when full consultation comments will be available on the website for all documents.
6. As this stage of the draft Statement of Consultation, no comments are made on behalf of the councils on the representations made. However, all comments have been noted and relevant actions will be considered through strategy and policy development and site selection. Overall, the draft Statement of Consultation document provides important feedback to enable the strategy and policies for the GNLP to be developed further.

The Greater Norwich Local Plan Regulation 18 Focussed Sites Consultation

Recommendation

The Board recommends that the constituent authorities agree the content of the forthcoming consultation on additional sites which have been submitted to the Greater Norwich Local Plan, known as the Regulation 18 Focussed Sites Consultation.

Report

1. An important part of the process of preparing the Greater Norwich Local Plan (GNLP) is to identify sites which might have the potential for development to meet required needs. These sites could be for a range of uses including housing, employment, leisure or community uses.
2. An initial "Call for Sites" was held in the spring/summer of 2016, where people could put forward land to be considered for potential allocation in the GNLP. 562 sites were submitted. These sites were consulted on as part of the Regulation 18 Growth Options and Site Proposals consultation which took place between January and March 2018. The comments received through this consultation can be viewed at the [GNLP consultation web site](#).
3. Over 200 new sites, or revisions to existing sites, were put forward through the Regulation 18 consultation. These will be consulted on between 29 October and 14 December 2018 through the Regulation 18 Focussed Sites Consultation. The consultation will also cover small sites (below 0.25 hectares or 5 dwellings) which are too small to allocate but are being considered as potential extensions to settlement boundaries.
4. A table showing the additional proposed sites is in Appendix 1. Maps and the table are available on the GNLP pages of the main Greater Norwich website here. New sites have a reference number "GNLP" followed by 4 numbers, revised sites have an "R" suffix and proposals for settlement limit extensions are shown with "GNLPSL" followed by numbers.
5. This information will be transferred to the GNLP consultation web site when the consultation starts to enable responses to be made.
6. In order to ensure parish / town councils have been kept fully informed, the GNLP team sent emails in July 2018 to let them and other key stakeholders know that the maps and information on the new/revised site proposals were available on the main Greater Norwich website.

7. This consultation is supplementary to, and narrower in its focus than, the consultation held early in 2018. It covers sites only, rather than the wider strategy and policies and the sites are widely spread across the area.
8. However, it is very important that opportunities are provided for commenting on, and ask questions about, the additional sites. It is also important that we get a good response rate.
9. Therefore the consultation will include:
 - a. All those on the GNLP database will be invited to respond, with emails also sent specifically to parish, town and city councils;
 - b. Posters will be sent to the parishes and will also be displayed in libraries and bus stops;
 - c. Newspapers will be used to cover and advertise the consultation;
 - d. Social media will be used;
 - e. All consultation information will be available at the offices of the district councils and the county council;
 - f. Hard copy of relevant consultation materials will be made available to parish councils to aid their discussions;
 - g. Planning officers will be available during office hours to respond to any phone and email queries relating to the consultation.

Further details on the communications strategy are in Appendix 2.

10. Consultation information for each additional site of over 0.25 hectares or 5 dwellings will include site analysis using the Housing and Economic Land Availability Assessment (HELAA) criteria. In addition, an addendum to the Site Proposals document for settlements in which new sites have been submitted will be available.
11. Importantly in terms of the local plan process, this means that all sites submitted for consideration for allocation through the GNLP will have been subjected to the same level of analysis.
12. The smaller sites (under 0.25 hectares or 5 dwellings) or sites submitted as proposed extensions to existing settlement boundaries will also be covered by the consultation to allow people to have their say on these proposals. As these sites are too small to allocate, they have not been subject to site analysis, but maps showing the locations of the proposals will be available to enable comments to be made.

- 13.** Since there is a need to have a cut-off point to prepare for the focussed consultation, new/revised sites (or revisions to site boundaries or settlement boundaries) received after 17 August 2018 will not be consulted upon. These sites have been logged, and will be considered during the plan-making process, although site promoters may be asked to provide additional information to support them.
- 14.** In the interests of efficiency, and continuing the successful approach taken in the recent Regulation 18 Growth Options and Site Proposals consultation, respondents will be encouraged to respond online, though written responses will also be accepted either by post or via email. The more limited amount of information required to be on the website for this consultation should assist those making online responses.
- 15.** As with the earlier submitted sites, the comments received on the sites will be used to revisit the Housing and Economic Land Availability Assessment (HELAA) and then inform a detailed site assessment process prior to production of the draft plan next year.
- 16.** The additional sites proposed now mean that there is potentially a wider choice of sites in more locations, providing flexibility for strategy development. In particular:

 - more brownfield sites have been submitted, and work is ongoing to identify further brownfield sites;
 - more sites have been submitted around the main towns, notably Harleston;
 - there is now a wider choice of sites in many villages.
- 17.** Consultation on these sites will inform the development of the draft plan, scheduled to be consulted on in Autumn 2019.

Appendix 1 – Sites in the Regulation 18 Focussed Sites Consultation

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
Broadland	Acle	Land at Jolly's Lane	GNLP0421R	7	Housing with associated access and open space. Perhaps 570 units
		South Walsham Road	GNLP2139	37.85	Residential development (unspecified number) plus school extension
Broadland	Attlebridge	Adjoining Fakenham Road	GNLP2129	7.22	Residential-led mixed use development (200 dwellings and commercial proposed)
		Adjoining Fakenham Road	GNLP2144	1.23	Industrial
Broadland	Aylsham	Cawston Road/Norwich Road	GNLP2059	1.32	Residential development (15-20 dwellings proposed)
		West of A140	GNLP2060	0.98	Residential development (20 dwellings proposed)
Broadland	Blofield	Tower House	GNLPSL2003	0.08	1-2 dwellings
		Blofield Lodge	GNLP2020	0.39	Residential development (unspecified number)
		Manor Park	GNLP2024	1.26	Residential development (unspecified number)
		Dawson's Lane	GNLP2080	2.65	Residential development (42 dwellings proposed)
		Between Yarmouth Rd & A47	GNLP2085	1.15	Residential development (30 dwellings proposed)
		North of Yarmouth Road	GNLP2149	0.5	Residential development (5+ proposed)
		Norwich Camping & Leisure	GNLP2161	0.9	Residential development (unspecified number)
		South of Blofield House	GNLP2172	3.9	Residential development (85 dwellings proposed)
Broadland	Brundall	East of Brundall Memorial Hall	GNLP2069	8.67	Recreation and leisure
		38 Strumpshaw Road	GNLP2177	0.28	Residential development (6 dwellings proposed)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
Broadland	Cawston	Heydon Road	GNLP2134	3.14	Mixed use development, including 30 dwellings, care home, 900 sq m of commercial units
Broadland	Coltishall	South of rail line	GNLP2019	1.43	Residential development (20-25 dwellings proposed)
		East of High Street, north of Church Street	GNLP2072	1.12	Residential development (15 dwellings proposed)
Broadland	Drayton	94 Fakenham Road	GNLP2027	0.83	Residential development (5 dwellings proposed)
Broadland	Felthorpe	Swannington Lane	GNLP2009	1.99	Residential development (15-20 dwellings proposed)
		Brand's Lane	GNLP2012	0.63	Residential development (5 houses proposed)
Broadland	Foulsham	The Hawthorns	GNLP2001	2.8	Residential development (5-6 dwellings proposed)
Broadland	Freethorpe	Rear of 75 The Green	GNLP2033	0.47	Residential development (20 dwellings proposed)
		South of Bowlers Close	GNLP2034	1.51	Residential development (50 dwellings proposed)
Broadland	Frettenham	Adjacent 10 Buxton Road	GNLP2076	0.39	Approximately 5 additional business units
		Adjacent 10 Buxton Road	GNLP2078	1.42	Residential development (25 dwellings proposed)
Broadland	Great and Little Plumstead	Land at Hare Road	GNLP0420R	0.57	Residential development (30 dwellings proposed) with associated access and open space
		Land at Middle Road	GNLP0441R	1.97	Residential development (30 dwellings proposed) with associated access.
		South of Broad Lane	GNLP2040	7.64	Residential development (unspecified number)
		Land to the north of Octagon Business Park	GNLP2107	1.62	Office, agricultural storage, car park
Broadland	Hainford	East of Cromer Road	GNLP2035	2.31	Residential development (25 dwellings proposed)
		Between Harvest Close and Dumbs Lane	GNLP2162	2.5	Residential development (60 dwellings proposed) plus open space

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
Broadland	Hellesdon	Reepham Road/Cromer Road	GNLP0332R	64	Residential development and public open space. Part of the 49ha site is within the airport public safety zone.
		West of Reepham Road	GNLP0334R	11.7	Residential development (128-192 dwellings proposed)
		296 Drayton High Road	GNLP2025	0.38	Residential development (5 dwellings proposed)
		West of Hellesdon Park Industrial Estate	GNLP2142	5.71	Extension to industrial estate, open space, burial ground, car park for church
		Rear of Heath Crescent	GNLP2173	2.11	Residential development (35-50 dwellings proposed) plus retention of bowls green
Broadland	Hevingham	Main Road, Buxton Heath	GNLPSL0010	0.19	Residential development
		6 The Turn	GNLP2002	1.13	Residential development (15+ dwellings proposed)
Broadland	Heydon	Off The Street	GNLP2132	0.19	Residential development (5 dwellings proposed)
		West of Earle Arms pub	GNLP2140	4.15	Residential development (15 dwellings proposed) plus new water treatment works
Broadland	Honingham	North of Dereham Road	GNLP2176	3.74	Residential development (55 dwellings proposed)
Broadland	Horsford	Land adjacent Drayton Lane	GNLP0359R	8.1	Although the final number of homes will emerge from a more detailed design process, at an average density of 20-30 homes per hectare the likely capacity of the site can be assumed to be between 136-200 dwellings.
		Glebe Farm North	GNLP2133	26.23	Employment-led mixed use development
		South of Drayton Lane	GNLP2154	2.3	Retail/car parking
		Green Lane	GNLP2160	29.7	Residential development (600 dwellings proposed) plus open space and community woodland
Broadland	Horsham & Newton St Faith	Land off the NNDR	GNLP0466R	32.96	Employment uses
		Oak Tree Farm	GNLP2021	10.83	Residential development (unspecified number)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
		The Warren	GNLP2030	1.65	Residential development (unspecified number)
		Manor Road/A140 Cromer Road	GNLP2141	2.63	Residential development (20-40 dwellings proposed)
		Adjacent to Abbey Farm Commercial Park	GNLPSL2007	2.8	Promoted for settlement boundary change
Broadland	Marsham	South of Le Neve Road	GNLP2143	1.97	Residential development (30 dwellings proposed) and extension to cemetery
Broadland	Rackheath	North-east of Green Lane West	GNLP2037	1.04	Residential development (10 dwellings proposed)
		South of Salhouse Road	GNLP2092	20.84	Residential development (unspecified number)
		South of Salhouse Road	GNLP2166	12.94	Residential development (216 dwellings proposed) plus green infrastructure
Broadland	Reedham	North of Church Road	GNLP2151	0.36	Residential development (6 dwellings proposed)
		East of Witton Green	GNLP2175	0.2	Residential development (5-6 dwellings proposed)
Broadland	Reepham	Orchard Lane	GNLP2026	0.63	Residential development (5 dwellings proposed)
		Cawston Road	GNLP2075	7.34	Residential development (unspecified number)
Broadland	Sprowston	Lusher's Yard	GNLP2178	0.91	Residential development (25 dwellings proposed)
Broadland	Strumpshaw	Land Rear of 33 Norwich Road Adj (to west) Site GNLP0277 Huntsman PH)	GNLPSL006	0.2	Residential development
		Mill Road	GNLP2017	3.78	Residential development (unspecified number)
		Rear of 33 Norwich Road	GNLP2071	0.28	Residential development (6 dwellings proposed)
Broadland	Taverham	High Breck Farm	GNLP2047	0.6	Residential development (5 dwellings proposed)
		East of Fir Covert Road	GNLP2050	0.34	Residential development (unspecified number)
		151 Taverham Road	GNLP2051	1.31	Residential development (unspecified number)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
		South of Taverham Road	GNLP2106	3.3	Residential development (70 dwellings proposed)
Broadland	Thorpe St Andrew	Langley North	GNLP2170	1.33	Residential development (40 dwellings proposed)
		Langley South	GNLP2171	4.38	Residential development (70 dwellings proposed)
Broadland	Woodbastwick	South Walsham Road	GNLP2180	0.33	Residential development (5 dwellings proposed)
Broadland	Wroxham	East of Salhouse Road	GNLP2131	5.5	Residential development (100 dwellings proposed)
		South of Wherry Gardens	GNLP2135	5.96	Residential development (100 dwellings proposed)
Broadland/South Norfolk	Honingham/Marlingford & Colton	Honingham Thorpe	GNLP0415R A	113.87	Housing, as part of a strategic mixed use development consisting of commercial and residential areas, incorporating district centres composed of retail, community facilities, primary schools, open space, landscaping including wildlife corridors and country park/nature reserve, and associated infrastructure.
		Honingham Thorpe	GNLP0415R B	15	Employment, as part of a strategic mixed use development consisting of commercial and residential areas, incorporating district centres composed of retail, community facilities, primary schools, open space, landscaping including wildlife corridors and country park/nature reserve, and associated infrastructure.
		Honingham Thorpe	GNLP0415R C	53.36	Employment, as part of a strategic mixed use development consisting of commercial and residential areas, incorporating district centres composed of retail, community facilities, primary schools, open space, landscaping including wildlife corridors and country park/nature reserve, and

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
					associated infrastructure
		Honingham Thorpe	GNLP0415R D	85.53	Housing, as part of a strategic mixed use development consisting of commercial and residential areas, incorporating district centres composed of retail, community facilities, primary schools, open space, landscaping including wildlife corridors and country park/nature reserve, and associated infrastructure.
		Honingham Thorpe	GNLP0415R G	10.65	Housing, as part of a strategic mixed use development consisting of commercial and residential areas, incorporating district centres composed of retail, community facilities, primary schools, open space, landscaping including wildlife corridors and country park/nature reserve, and associated infrastructure.
Norwich	N/A	Barrack Street / Whitefriars	GNLP0409R	1.53	Residential-led mixed use development with some retail.
Norwich	N/A	Boulton Street	GNLPSL0011	0.05	Maintain existing use as community garden
Norwich	N/A	Prospect House	GNLP2062	1	Residential-led mixed use (retail and commercial/office) proposed
Norwich	N/A	Chapelfield	GNLP2077	3.66	Additional town centre uses including retail (A1, Leisure (D2) and food & drink (A3)
Norwich	N/A	Muspole Street	GNLP2114	0.43	Residential-led mixed use development
Norwich	N/A	Congregation Hall	GNLP2120	0.33	Conference centre
Norwich	N/A	Adjoining Sainsbury Centre	GNLP2123	1.59	University related development, possibly expansion of Sainsbury Centre
Norwich	N/A	Riverside	GNLP2137	11.67	Mixed use development including residential, offices, increased leisure and recreational activities, hotels and retail
Norwich	N/A	84-120 and 147-153 Ber St	GNLP2159	0.7	Residential development (150 dwellings proposed)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
Norwich	N/A	Colegate Car Park	GNLP2163	0.12	Residential development (44 dwellings proposed)
Norwich	N/A	West of Eastgate House	GNLP2164	0.19	Residential development (20-25 dwellings proposed)
South Norfolk	Aldeby	Rushleys	GNLPSL0014	0.14	On the orchard section of the property it is proposed to build one or two houses that would not spoil the location for adjacent properties
South Norfolk	Ashwellthorpe & Fundenhall	Land west of New Road	GNLPSL0013	0.23	Housing of an unspecified number of dwellings
		Land on west side of New Road	GNLPSL0017	0.22	Residential development
South Norfolk	Aslacton	Land west of Woodrow Lane	GNLP2005	2.5	Residential development (20-30 dwellings proposed)
		South of Sneath Road	GNLP2118	0.54	Residential development (8-10 dwellings proposed)
South Norfolk	Barnham Broom	Land north of Norwich Road	GNLPSL0018	0.18	Residential development
		West of Honingham Road	GNLP2089	4.71	35 houses, a care home, almshouses and small business units
		South of Norwich Road	GNLP2110	0.46	Residential development (5 dwellings proposed)
South Norfolk	Bawburgh	Stocks Hill	GNLPSL0002	0.24	Residential development (unspecified number)
		North of New Road, east of A47	GNLP2043	11.97	Residential development (150-200 dwellings proposed)
South Norfolk	Bergh Apton	Town Farm	GNLPSL0007 See also 2018	0.2	Residential development of approximately 5 houses
		Town Farm	GNLP2015	0.29	Residential development (5 dwellings proposed)
		The Dell	GNLP2022	0.34	Residential development (5 dwellings proposed)
		Bergh Apton House	GNLP2023	0.4	Residential development (5 dwellings proposed)
		Adjacent to village hall	GNLP2117	1.81	Residential development (unspecified number)
South Norfolk	Bracon Ash	South of Cuckoofield Lane	GNLP2087	1.72	Residential development (15 dwellings proposed)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
		East of Potash Lane	GNLP2097	1.18	Employment (permission 2011/1041)
		South of Hethel Industrial Estate	GNLP2109	0.79	10 small business units
South Norfolk	Bressingham	East of The Street	GNLP2052	0.84	Residential development (10-15 dwellings proposed)
		Adjoining Pond Farm	GNLP2053	2.14	Residential development (10-15 dwellings proposed)
		East of School Road	GNLP2054	3.51	Residential development (unspecified number)
		Fersfield Common	GNLP2056	1.82	Residential development (10 dwellings proposed)
		North of A1066	GNLP2057	1.2	Residential development (unspecified number)
		Fersfield Road/Folly Lane	GNLP2079	0.93	Residential development (9 dwellings proposed)
		North of High Road	GNLP2113	6.41	Residential development (unspecified number)
South Norfolk	Brooke	43 High Green	GNLPSL0020	0.11	Single dwelling
		East of Norwich Road	GNLP2018	8.33	Residential development (50-150 dwellings) plus possible school
		North of High Green	GNLP2119	1.93	Residential development (25 dwellings proposed)
		East of Wood Farm	GNLP2122	2.74	Residential development (30 dwellings proposed) and primary school
South Norfolk	Bunwell	Land between Coldstream and Burnlea	GNLPSL0001	0.1	Infill between two properties
		South of Church Lane	GNLPSL2004	0.2	Residential development (unspecified number)
		Adjoining The Laurels	GNLP2126	0.52	Residential development (unspecified number)
South Norfolk	Burston	Holly House, Diss Road	GNLPSL0005	0.12	Residential development (5 dwellings proposed)
South Norfolk	Caistor St Edmund	South of Caistor Lane	GNLP2093	5.52	Residential development (150 dwellings proposed)
		North of Stoke Road	GNLP2094	4.37	Residential development (110 dwellings proposed)
		East of Ipswich Road	GNLP2158	49.93	Commercial development

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
South Norfolk	Carleton Rode	South of Flaxlands Road	GNLP2086	0.72	Residential development (10 dwellings proposed)
South Norfolk	Chedgrave	Pebblers	GNLPSL0015	0.21	Single detached dwelling as a 'Self Build' project
		Big Back Lane	GNLP2055	3.45	Residential development (unspecified number)
South Norfolk	Colney	Land adjacent to Norwich Research Park	GNLP0331R A	14.84	Employment-led mixed use development
		Land adjacent to Norwich Research Park	GNLP0331R B	1.26	Employment
		Land adjacent to Norwich Research Park	GNLP0331R C	5.59	Employment
South Norfolk	Costessey	Land at Town House Road	GNLP0284R	8.98	The site is being promoted for residential use, supported by public open space, access, landscaping, drainage and associated services. Three masterplans have been submitted, of which this is the largest.
		Land to the rear of 23 Longwater Lane	GNLP2004	0.64	Residential development (4-10 dwellings proposed)
		Norfolk Showground	GNLP2074	75.65	Food, farming, leisure, tourism, recreation, arts, exhibition
		North of Gunton Lane	GNLP2138	2.65	Residential development (unspecified number)
		10 Longwater Lane	GNLP2156	1.93	Residential development (unspecified number)
		Earnest Gage Avenue	GNLPSL2008	2.6	Promoted for settlement boundary change
South Norfolk	Dickleburgh	East of Norwich Road	GNLP2083	0.77	Residential development (10-15 dwellings proposed)
		East of Norwich Road	GNLP2084	0.24	Residential development (5 dwellings proposed)
		West of Norwich Road	GNLP2145	6.1	Residential-led mixed use development (80 dwellings, retirement home, community facility, offices and open space proposed)
		Land opposite Bridge Farm	GNLP0230R	0.84	Residential development (unspecified number)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
South Norfolk	Diss	Victoria Road	GNLP2067	0.42	Repair and retail warehouse, business and offices
		West of Shelfanger Road	GNLP2104	50.51	Residential development (unspecified number)
South Norfolk	Ditchingham	Lambert's Way	GNLP2011	0.35	Residential development (unspecified number)
South Norfolk	East Carleton	East of Hethersett Road	GNLP2152	0.51	Residential development (unspecified number)
		South of Wymondham Road	GNLP2165	1.15	Business park, offices, plus 4 dwellings
		East of Hethersett Road	GNLP2167	0.88	Residential development (unspecified number)
South Norfolk	Flordon	East of Greenways	GNLP2147	0.4	Residential development (unspecified number)
South Norfolk	Forncett	Black Barn	GNLP2013	1	Residential development (5 dwellings proposed)
		Low Road	GNLP2028	1.51	Residential development (6 dwellings proposed)
		Tawny Farm	GNLP2058	0.96	Residential development (15 dwellings proposed)
		Four Seasons Nursery	GNLP0559R	2.15	Three self-build houses for plantmen on the site with the benefit of many rare trees and shrubs established over the past thirty years.
South Norfolk	Framingham Earl	Orchard Farm	GNLP2127	2.38	Residential development (unspecified number)
South Norfolk	Gillingham	Land to the east of the Village Hall	GNLPSL0021	0.3	Residential
South Norfolk	Gt Moulton	Former meat processing plant	GNLP2003	1.13	Residential development (20-30 dwellings proposed)
		Overwood Lane	GNLP2008	0.33	Residential development (1-3 dwellings proposed)
		Cherry Tree Farm	GNLP2068	0.86	Residential-led mixed use (16 dwellings, 3 shops with flats above)
South Norfolk	Harleston	West of Shotford Road	GNLP2088	7.3	Residential development (150 dwellings proposed)
		North of Green Lane	GNLP2098	2.52	Residential development (65 dwellings proposed)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
		South of Redenhall Road	GNLP2099	4.45	Residential development (110 dwellings proposed)
		Mendham Lane	GNLP2105	1.06	Residential development (20 dwellings proposed)
		South of Spirketts Lane	GNLP2108	7.18	Residential development (160-175 dwellings proposed)
		South of Needham Road	GNLP2116	7.1	Residential development (160 dwellings proposed)
		Briar Farm	GNLP2136	27.04	Residential-led mixed development (350 dwellings including accessible dwellings, care, employment, retail)
South Norfolk	Hempnall	Pear Tree Farm	GNLP2046	1.51	Residential development (unspecified number)
		West of Field Lane	GNLP2081	2.39	Residential development (40 dwellings proposed)
South Norfolk	Hingham	Swan Field', Hardingham Road	GNLP0544R	3.8	Residential development up to 96 dwellings @ 30 per hectare
		23 Low Road	GNLPSL2002	0.09	One three-bedroom bungalow
South Norfolk	Keswick & Intwood	Land north of Eaton Gate, Low Road	GNLPSL0012	0.24	Development of up to 4 new dwellings together with associated access, landscaping and parking
		Intwood Road	GNLP2014	1.14	Residential/office
South Norfolk	Kirby Cane	Site at Old Post Office Lane	GNLPSL0019	0.19	1 to 3 single storey dwellings
South Norfolk	Kirstead	East of Kirstead Green	GNLP2174	0.76	Residential development (20 dwellings proposed)
South Norfolk	Little Melton	Land to the north and south of Mill Road	GNLP0182R	3.15	Residential development, and the site will provide opportunities to enhance connectivity to existing residential development in the immediate surrounding area. Parts of the site could be offered to the community for additional open space provision.
		Braymeadow Lane	GNLP2044	16.15	Residential development (400-500 dwellings proposed)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
South Norfolk	Loddon	South of Beccles Road	GNLP2032	0.54	Residential development (unspecified number)
South Norfolk	Marlingford and Colton	Land south of Colton/east of Highhouse Farm Lane	GNLP0475R	2.85	Housing, including but not limited to options from general market, affordable, retirement, holiday accommodation and/or staff accommodation related to the expanding Barnham Broom Golf and Country Club
		East of Honingham Road/north of Barnham Broom Golf & Country Club	GNLP0476R	23.67	Housing, including but not limited to options from general market, affordable, retirement, holiday accommodation and/or staff accommodation related to the expanding Barnham Broom Golf and Country Club
South Norfolk	Mulbarton	South of Rectory Lane	GNLP2038	14.67	Residential development (unspecified number)
		North of Rectory Lane	GNLP2039	4.66	Residential development (unspecified number)
South Norfolk	Needham	North of High Road and Harman's Lane	GNLP2065	2.3	Residential development (8 dwellings proposed)
		North of Needham Road	GNLP2115	6	Residential development (175 dwellings proposed)
South Norfolk	Poringland	South of Burgate Lane	GNLP2153	9.3	Residential development (165 dwellings proposed) and green infrastructure
South Norfolk	Pulham Market	East of Colegate End Road	GNLP2095	0.66	Residential development (12 dwellings proposed)
		West of Mill Lane	GNLP2096	2.95	Residential development (50 dwellings proposed)
		Former waste transfer station	GNLP2128	1.81	Retail/petrol station
South Norfolk	Pulham St Mary	Land Northwest of Norwich Road and Poppy's Lane	GNLP1052R	4.03	Residential and open space
		The Sycamores	GNLPSL0008	0.2	Residential development for circa 5 dwellings
South Norfolk	Rockland St Mary	South of New Inn Hill	GNLP2007	0.54	Residential development (15+ dwellings proposed)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
		North of The Street	GNLP2061	1.98	Residential development (25 dwellings proposed)
		North of The Street	GNLP2063	1.95	Residential development (25 dwellings proposed)
		South of The Street	GNLP2064	2.04	Residential development (25 dwellings proposed)
		West of The Oaks	GNLP2070	0.96	Residential development (5 dwellings proposed)
South Norfolk	Scole	Land at Rose Farm	GNLP0338R	0.59	Residential development (35-45 homes proposed) plus landscaping and open spaces.
		1 Bridge Road	GNLP2066	0.5	Residential development (unspecified number)
South Norfolk	Seething	West of Mill Lane	GNLP2148	0.53	Residential development (12 dwellings proposed)
South Norfolk	Starston	Whitehouse Farm, Cross Road	GNLPSL2001	0.17	Residential development (2-4 dwellings proposed)
South Norfolk	Stoke Holy Cross	Off Norwich Road	GNLP2091	1.24	Residential development (11 dwellings proposed)
		South of Long Lane	GNLP2111	2.89	Residential development (50-60 dwellings proposed)
		Model Farm	GNLP2124	4.56	Residential development (80 dwellings proposed)
South Norfolk	Surlingham	Mill Road East	GNLP2010	0.84	Residential development (up to 10 dwellings proposed)
		Land in The Covey	GNLP2016	1.04	Residential development (6 dwellings proposed)
		West of Mill Road	GNLP2045	0.28	Residential development (5 dwellings proposed)
South Norfolk	Swainsthorpe	Church Rd	GNLP0191R	2.66	Residential development
		Land off Church View	GNLP0603R	3.93	Residential development (25 dwellings proposed)
		Land West of Ipswich Road (A140), adjacent to Hickling Lane	GNLP0604R	10.99	Proposed relocation of Ben Burgess Norwich to create new premises consisting of workshops, stores, offices and agricultural sales and display area.
South Norfolk	Tacolneston	122 Norwich Road	GNLPSL0016	0.09	Self-build housing
		Norwich Road	GNLP2031	1.25	Residential development (unspecified number)
South Norfolk	Thurton	East of The Street	GNLP2048	0.64	Residential development (unspecified number)

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
South Norfolk	Tibenham	Long Row	GNLP2102	0.27	Residential development (5-6 dwellings proposed)
		Between Black Barn Rd &	GNLP2112	1.0.28 46	Residential development (16-18 dwellings proposed)
South Norfolk	Tivetshall St Margaret	North of School Road	GNLP2103	0.84	Residential development (10-15 dwellings proposed)
South Norfolk	Tivetshall St Mary	Land to the east of Tivetshall	GNLP2041	19.85	Residential development (unspecified number)
		South of Rectory Road	GNLP2042	4.11	Residential development (unspecified number)
South Norfolk	Toft Monks	South of Bulls Green Lane	GNLPSL2005	0.28	Residential development (5 dwellings proposed)
South Norfolk	Topcroft	West of Topcroft Street	GNLP2029	0.26	Residential development (7 dwellings proposed)
		Land west of The Street	GNLP2146	0.43	Residential development (5 dwellings proposed)
South Norfolk	Wicklewood	High Street	GNLP2179	3.29	Residential development (unspecified number)
South Norfolk	Winfarthing	South of Stocks Hill	GNLP2049	0.39	Residential development (5-7 dwellings proposed)
South Norfolk	Woodton	North of Hempnall Road	GNLP2100	0.65	Residential development (5-10 dwellings proposed)
		South of The Street	GNLP2130	1.9	Residential development (25 dwellings proposed)
South Norfolk	Wortwell	North of High Road	GNLPSL2006		Residential development (5 dwellings proposed)
		Bell Field	GNLP2036	1.27	Residential development (unspecified number)
		High Road	GNLP2121	13.75	Residential-led mixed use development
South Norfolk	Wreningham	Land South of High Road	GNLPSL009	0.18	Residential development (one detached dwelling)
South Norfolk	Wymondham	North East Wymondham	GNLP0525R	157	Mixed use development including residential dwellings, primary and secondary education facilities, employment provision, rugby club, local centre, open space, including town/county park allotments, formal sports

District	Parish	Site Address	Site Reference	Site Area (Ha)	Proposal
					provision. Revised to remove existing commitment.
		Burnthouse Lane	GNLP2073	0.65	Residential development (5 dwellings proposed)
		South of Station Road	GNLP2082	3.17	Residential development (30 dwellings proposed)
		East of Field House	GNLP2090	1.7	Residential development (50 dwellings proposed)
		East and west of railway line	GNLP2101	77.26	Residential-led mixed use development
		South of Norwich Common	GNLP2125	0.32	Residential development (8 dwellings proposed)
		North east of Carpenters Barn	GNLP2150	6.53	Residential development (150 dwellings proposed)
		West of Carpenter Close	GNLP2155	3.37	Residential development (80 dwellings proposed)
		Great Expectations	GNLP2157	9.14	Residential development (unspecified number)
		Park Farm	GNLP2168	340.28	New settlement (6,500 dwellings proposed)
		within WYM3 & WYM13 allocation	GNLP2169	1.36	Residential development (32 dwellings proposed)
South Norfolk	Yelverton	South of Loddon Road	GNLP2006	1.82	Residential development (10 dwellings proposed)

Appendix 2 – Communications Update

Web sites

The [GNDP website](#) will once again direct all users to the [consultation website](#).

Media Activity

- Proactive press release, with quotes issued before the consultation starts to garner public and stakeholder interest.
- Update on how the consultation is developing and at the end.
- Media interviews with Cllr Vincent as chair of GNDP to be placed with certain media.
- Media briefings will be offered prior to the consultation starting with the Eastern Daily Press, BBC Radio & TV, & ITV.
- A Q & A will be prepared to provide outline responses for potential questions likely to be asked through the consultation, particularly for use in any media interviews or on social media.
- A boiler plate with details of all members on the GNLP will be on all media releases.

Media enquiries

- All media enquiries made by members of the media should be handled by the communications team in liaison with the project team.

Social media

- Twitter and Facebook accounts will send out information that will be passed through the four councils' channels.
- Facebook advertising was also placed on all four council websites directing to the [consultation website](#).

Branding

The new GNLP logo along with the supporting strapline in addition to the four local authority logos (Broadland District Council, Norwich City Council, South Norfolk Council, Norfolk County Council) will be used on all publicity material such as press releases/websites, signage, In-house publications, leaflets and posters.

Posters and letters

- Posters will be put up at key locations. In each council building, sent to the parish, town and city councils for their local information boards, relevant libraries and electronically on some Norwich bus stops.
- Letters detailing the consultation will also be sent to the parish, town and city councils.

Materials

- Hard copy of relevant consultation materials will be made available to parish councils to aid discussions.

Communications channels utilised summary

- Website/intranet of GNLP and partners
- Media (print, broadcast, specialist publications)
- Social media
- Residents' magazines (TBC - if possible)
- Letters to councils
- Elected members (via emails/intranet etc.)
- Telephone

Name of Officer/s completing assessment: Richard Squires

Date of Assessment: 28/09/2018

1. What is the proposed Policy?

This EqIA accompanies a proposal to undertake a further public consultation on additional sites that have been submitted to the Greater Norwich Local Plan (GNLP), known as the Regulation 18 Focussed Sites Consultation. This proposal is being considered by each of the constituent authorities involved in the GNLP – Broadland District Council, South Norfolk Council and Norwich City Council.

2. Which protected characteristics does this Policy impact: (please tick all that apply)

Age	<input checked="" type="checkbox"/>	Sex	<input type="checkbox"/>	Pregnancy/Maternity	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>	Gender Reassignment	<input type="checkbox"/>
Race	<input type="checkbox"/>	Civil Partnership/Marriage	<input type="checkbox"/>	Religion or Belief	<input type="checkbox"/>
Health	<input checked="" type="checkbox"/>	Rurality	<input checked="" type="checkbox"/>	Low Income	<input type="checkbox"/>
				None of the above	<input type="checkbox"/>

3. What do you believe are the potential equalities impacts of this policy?

Please include:

- Any other groups impacted not detailed above
- Partnership organisations worked with in the development of this policy
- Evidence gathered to inform your decision
- Where you have consulted, Who and How this has informed the decision/policy

Note: Impacts could be positive and/or negative and impact groups differently

The proposal is for a 'focused', additional round of public and stakeholder consultation on additional sites that have been promoted to the GNLP for consideration. This follows the 'main' Regulation 18 consultation on original sites that were promoted, which took place between January and March 2018.

This new, focused consultation was not originally scheduled as part of the GNLP workplan, but has come about due to the number of additional sites that have been submitted in the guise of responses to the main consultation that took place earlier in the year. The GNLP team have decided that, in order for the final Plan to be considered sound and for the public to be given ample opportunities to comment on proposals, this further consultation exercise is necessary.

The consultation exercise, although focused, has been designed so that is in conformity with each local authority's Statement of Community Involvement (SCI) – the statutory document that sets out how the Council will involve communities and other stakeholders in the development of local planning documents making up its Development Plan. Broadland District Council's most recent SCI was adopted in July 2016 and went through its own EqIA at that time.

As with any wide-reaching public consultation exercise, there are a number of potential equality impacts, such as:

1. Is the consultation material physically accessible to all those that have an interest in the topic and who may wish to respond?
2. Has publicity material been distributed sufficiently, in terms of geographic coverage, and have sufficiently diverse media been chosen to ensure as wide a cross-section of the community as possible are aware of the consultation?
3. Is it clear why the consultation is taking place and how decisions might impact on people?
4. Is information and material relating to the consultation written in a clear and precise manner?
5. Is there a sufficient length of time for communities and stakeholders to contribute their views?

The proposed 'focused' consultation seeks to address these points, in line with the Council's SCI.

4. How is it proposed that any identified impacts are mitigated?

Please include:

- **Steps taken to mitigate, for example, other services that may be available**
- **If you are unable to resolve the issues highlighted during this assessment please explain why**
- **How impacts will be monitored and addressed?**
- **Could the decision/policy be implemented in a different way?**
- **What is the impact if the decision/policy is not implemented?**

The proposed consultation will include the following elements which, it is intended, will address the potential issues identified above:

- a) All those individuals and organisations registered on the GNLP consultation database will be invited to respond, with emails also sent specifically to parish and town councils;
- b) Posters will be sent to the parishes and will also be displayed in libraries and bus stops;
- c) Newspapers and (if possible) residents' magazines will be used to cover and advertise the consultation;
- d) Social media will be used to advertise the consultation;
- e) All consultation information will be available via the GNLP website and at the offices of the district councils and the county council;
- f) A hard copy of relevant consultation material will be made available to parish councils to aid their discussions;
- g) Planning officers will be available during office hours to response to any phone and email queries relating to the consultation;
- h) The consultation will take place between 29th October and 14th December 2018, allowing a period just short of seven weeks for responses to be made. This fulfils the obligation within the Council's SCI to allow a period at least six weeks for consultations relating to the Local Plan.



Signed by evaluator:



Signed by responsible head of department:

Please send your completed forms to victoria.parsons@broadland.gov.uk to be reviewed and stored in accordance with our legal duty. You may also wish to contact the Housing, Health & Partnerships Officer if at any time you need assistance filling in your assessment.

DOG FOULING PUBLIC SPACE PROTECTION ORDER

Portfolio Holder: Environmental Excellence
Wards Affected: All

1 SUMMARY

- 1.1 It is currently an offence under the Dogs (Fouling of Land) Act 1996 to fail to clear up after your dog, with a maximum fine on summary conviction of £1000. A fixed penalty notice of £50 can also be issued as an alternative to prosecution and is usually the course of action taken where offences are found to have been committed.
- 1.2 When the legislation came into force in 1996, it introduced an offence where a person responsible for a dog fails to clear up after it forthwith. This power has been used by Broadland District Council since it was introduced. The legislation also contains a number of exemptions for certain types of land; this has prevented action being taken by officers in the past, where owners have failed to clear up after their dog on exempt land. This does not prevent it posing a risk to members of the public who are likely to come into contact with it. The biggest health risk associated with dog faeces is *Toxocara Canis*, a roundworm commonly found in the gut of dogs. If ingested, the roundworm can cause blindness in children, as well as diseases like hepatomegaly, myocarditis and respiratory failure in adults depending on where the larva are deposited in the body.
- 1.3 Whilst the Dogs (Fouling of Land) Act 1996 is still being used by Broadland officers, it has been felt for some time that the exemptions within it hinder the work in pursuing irresponsible dog owners.
- 1.4 It is therefore proposed to introduce a Public Spaces Protection Order (PSPO) under the Antisocial Behaviour Crime and Policing Act 2014 (Government guidance attached at Appendix 1). This will replace the use of current legislation, namely the Dogs (Fouling of Land) Act 1996 and will apply to the whole of the Broadland District. The purpose of this is to simplify where a dog fouling offence can be committed, covering more areas of the District than the existing legislation currently does. The level of fine that can be issued to an offender will also double from £50 to £100.

2 KEY DECISION

- 2.1 This is a key decision and has been published in the Forward Plan.

3 BACKGROUND

- 3.1 Broadland District Council, as with all councils, has a problem with dog fouling within its District. It manifests itself mainly in the form of problem hotspots rather than a District-wide issue, although enforcement officers do receive complaints about dog owners failing to clear up after their dog throughout the year across the District. In the last five years the Environmental Protection team has received 368 complaints about dog fouling, with only two fines being issued in this period. One of the reasons for this very low enforcement figure is that often no action can be taken due to restrictions in the current law, where certain types of land are exempted.

4 THE ISSUES

- 4.1 The new PSPO will increase the fixed penalty fine from £50 to £100. The maximum penalty will remain at £1,000 on summary conviction.
- 4.2 The PSPO will also remove currently exempt land which includes:
- Marshland, Moorland, Heathland, Woodland, Roads above 40 mph speed restriction and Common land.
- 4.3 There is no single definition of common land. However, in general terms, 'common land' means land owned by one person over which another person is entitled to exercise rights of common. There are five main classes of rights of common: **Pasture** (right to graze animals), **Piscary** (right to fish), **Turbary** (right to dig turves or peat), **Estovers** (right to take wood for the sustenance of the commoner's house or agriculture) and **'In soil'** (right to take sand, gravel, stone and minerals).
- 4.4 Under the current legislation villages with national speed limits (which are numerous in rural areas) are not subject to dog fouling legislation. Nevertheless residents are just as likely to come into contact with dog faeces. Complaints are often received from such areas but are unable to be followed up as a result of the current restrictions. The new PSPO would allow officers to investigate more complaints and take enforcement action where appropriate.

5 DISCUSSION

- 5.1 The new changes will mean that the law will apply to all land that the public has access to with or without payment. Importantly this will cover footpaths through woodland and marshland which are common throughout Broadland near to rivers and broads. Currently it is not an offence for a dog owner to fail to clear up after their dog in these areas.

- 5.2 The defence of 'reasonable excuse' will remain, and those dog owners that are registered as blind will also be exempt from committing an offence.
- 5.3 The following requirements must be satisfied in order to issue a PSPO:
- (1) activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect –

Justification: dog fouling has affected or has the potential to affect all residents living in the Broadland District.
 - (2) the effect or likely effect of these activities:
 - (a) is, or is likely to be, persistent or continuing in nature
 - (b) is, or is likely to be, unreasonable
 - (c) justifies the restrictions being imposed.

6 PROPOSED ACTION

- 6.1 A Statutory consultation must be carried out involving the Chief Officer of Police, The Police and Crime Commissioner, Norfolk County Council and owners / occupiers of land where practicable. Town and Parish Councils must be notified and the text of the proposal must be published on the Council's website.
- 6.2 The validity of the PSPO can be challenged during the consultation by persons living, working or visiting the 'restricted area' and they have six weeks to do this. The challenge would be heard in the High Court and it could lead to the order being amended or quashed.
- 6.3 Once issued, the PSPO lasts for three years, after which time a consultation must take place again. There is no limit to how long a PSPO can remain in place for, but the consultations must occur every three years. There is no opportunity for challenge with a re-consultation.

7 RESOURCE IMPLICATIONS

- 7.1 There will be no additional resource implications. Investigation, enforcement and monitoring of the PSPO will be carried out by the two current Environmental Health Officers within the Environmental Protection Team. Whilst the PSPO will allow for more investigations to take place due to the removal of land type restrictions, it is not envisaged it will generate significant increases in dog fouling work to the extent that officers will be overwhelmed. Procedurally there will be little change to the way offences will be investigated

by officers. Nevertheless this will be monitored by the Environmental Protection Manager to ensure existing levels of service are maintained.

8 LEGAL IMPLICATIONS

- 8.1 There will be no legal implications. The proposed PSPO has been drawn up in conjunction with advice and guidance from NP Law and has been based on a similar PSPO used by Great Yarmouth Borough Council. The draft PSPO is attached at Appendix 2.

9 RISK IMPLICATIONS

- 9.1 There are no risk implications in establishing this PSPO. There is a reputational risk that by not implementing it, that dog fouling will continue to occur unchallenged in currently exempt areas of land that the public still have access to.

10 EQUALITIES IMPLICATIONS

- 10.1 It is felt there are implications for certain protected characteristics such as disability. This has been discussed with the Health, Housing & Partnerships Officer and it was agreed that each case will be looked at individually and action taken according to the circumstances, under the 'reasonable excuse' exception. See equalities assessment attached at Appendix 3.

11 CONCLUSION

- 11.1 By implementing this PSPO the Council will have greater opportunities to investigate and enforce dog fouling offences, with a greater deterrent. It will continue to carry forward the Environmental Excellence principles of keeping the environment clean and safe within which our residents live.

12 OPTIONS

- 12.1 The Cabinet has the following options:
- (1) to agree to the implementation of a PSPO to control dog fouling across the District, and to amend the constitution to delegate enforcement powers to officers; or
 - (2) to reject this proposal and keep the status quo with the current legislation.

Tony Garland
Environmental Protection Manager

Background Papers

None.

For further information on this report call Tony Garland on (01603) 430542 or e-mail tony.garland@broadland.gov.uk

Public Spaces Protection Orders

Guidance for councils

Foreword

Local authorities understand well how anti-social behaviour can blight the lives of people in their local communities, with those affected often feeling powerless to act. Councils have a key role to play in helping make local areas safe places to live, visit and work and tackling anti-social behaviour continues to be a high priority for local authorities and their partners across the country.

Councils know the issues that affect their localities the most and are well placed to identify how best to respond. Public Spaces Protection Orders (PSPOs), introduced in 2014, sit amongst a broad range of powers and tools to help tackle anti-social behaviour locally. PSPOs are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour. They are not about stopping the responsible use of the night-time economy, or preventing young people from seeing their friends – but they do provide councils with another instrument to help deal with persistent issues that are damaging their communities.

PSPOs have not been welcomed by all, attracting some criticism over their introduction, or about how particular PSPOs have been implemented. As a result, in December 2017 the Home Office updated its statutory guidance on anti-social behaviour powers, according to the Anti-Social Behaviour, Crime and Policing Act 2014. The changes are reflected in this document. In light of the updated guidance, councils may find it useful to consider the current restrictions in their local area and whether the PSPO needs to be amended at the time of its renewal. It's important to note, that when used appropriately, proportionately and with local support, PSPOs can be a positive device that help to prevent anti-social behaviour, and can provide an effective response to some of the issues local residents and businesses face on a daily basis.

This guidance aims to set out the issues to consider where local areas are contemplating introducing a PSPO, and offers practical guidance on the steps to take if councils choose to do so. It should be read in conjunction with the Home Office's statutory guidance on the Anti-social Behaviour, Crime and Policing Act 2014.

Councillor Anita Lower

Deputy Chair and Anti-social Behaviour Champion
LGA Safer and Stronger Communities Board

Public Spaces Protection Orders

Legislative background

The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. These tools, which replaced and streamlined a number of previous measures, were brought in as part of a Government commitment to put victims at the centre of approaches to tackling ASB, focussing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.

PSPOs are one of the tools available under the 2014 Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have. The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

Powers to create PSPOs came into force in October 2014. As well as enabling local authorities to address a range of different issues, the Orders replace Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders.¹ Existing DPPOs, Gating Orders and Dog Control Orders which automatically become PSPOs (as of 20 October 2017).

Overview of Public Spaces Protection Orders

The Anti-social Behaviour, Crime and Policing Act 2014 provides a broad legal framework within which PSPOs can be implemented.

Orders can be introduced in a specific public area where the local authority² is satisfied on reasonable grounds that certain conditions have been met. The first test concerns the nature of the anti-social behaviour, requiring that:

- activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect
- the effect or likely effect of these activities:
 - is, or is likely to be, persistent or continuing in nature
 - is, or is likely to be, unreasonable

¹ Replacing orders under The Criminal Justice and Police Act 2001, the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005 respectively.

² This covers district councils, London Boroughs, county councils in an area where there is no district council in England (along with City of London and the Council of the Isles of Scilly) and county councils or a county borough councils in Wales.

- justifies the restrictions being imposed.

The Home Office statutory guidance re issued in December 2017 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.³

A single PSPO can be used to target a range of different ASB issues. Orders allow councils to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area, and may also include prescribed exemptions.

As a minimum, each PSPO must set out:

- what the detrimental activities are
- what is being prohibited and/or required, including any exemptions
- the area covered
- the consequences for breach
- the period for which it has effect.

There are further specific provisions regarding some types of PSPO, which will be covered in detail below.

A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.

The legislation sets out a number of additional requirements for consultation and communication before an Order is introduced, once it is implemented and where it is extended, varied or discharged. PSPOs can be legally challenged under the 2014 Act on certain grounds.

Beyond this broad framework, detailed further below, councils can decide how best to implement PSPOs in their local areas. This guidance sets out some suggested

approaches based on good practice from around the country.

Using Public Spaces Protection Orders

Local partners have a vast range of tools and powers at their disposal to respond to concerns about anti-social behaviour in their locality, from measures aimed at tackling the causes of ASB, awareness-raising, through to enforcement.

Used proportionately and in the right circumstances, PSPOs allow local areas to counter unreasonable and persistent behaviour that affects the quality of life of its residents. They can send a clear message that certain behaviours will not be tolerated, and help reassure residents that unreasonable conduct is being addressed.

However, PSPOs will not be suitable or effective in all circumstances, and it is important to consider carefully the right approach for identifying and addressing the problem behaviour. This is especially important when the activities may also have positive benefits. Other options should actively be considered before a PSPO is pursued – and where a PSPO is used, it should be carefully framed and employed alongside other approaches as part of a broad and balanced anti-social behaviour strategy. Considering non-statutory solutions, perhaps delivered in partnership with community, civic or membership organisations may be equally valid in the right circumstances.

Choosing the right tool

Choosing the right approaches for responding to the ASB should start with identifying the specific issue or issues of concern, and considering what is likely to be the most targeted and effective response in the circumstances.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf

Some issues may be adequately addressed using other tools. For instance, awareness-raising campaigns about the impact of certain activities on others, improved community engagement, or offering support to those exhibiting certain behaviours may be enough to address the ASB identified.

In some areas, codes of practice around certain practices such as busking⁴, or posters setting out ‘good behaviour’ associated with activities such as skateboarding, have provided effective solutions in responding to particular concerns.

Street fundraising for instance, is governed by an independently set Code of Fundraising Practice and the Institute of Fundraising provides a free service for councils to limit the location, number and frequency of fundraising visits. Around 125 councils have taken advantage of these voluntary agreements, rather than use PSPOs.

In other circumstances it may be more appropriate to use tools such as community protection notices (CPNs). CPNs are used against specific individuals responsible for causing harm, or for tackling particular problem premises, unlike PSPOs which create a broader ban covering a whole area. Similarly, in many cases existing legislation covering various forms of anti-social behaviour or public order may be adequate.

Feedback from councils suggests that effective consultation with partners, stakeholders and the wider community can help to identify the best way forward (see also support evidence and consultation, below).

“PSPOs aren’t the answer for everything – you need to start by looking at what the issue really is. Often there are easier and more effective tools for dealing with the problem.”

Cheshire West and Chester Council

Where local areas decide that introducing a PSPO may be appropriate, it should be noted that the most robust Orders directly address the detrimental behaviour, rather than activities which may not in themselves be detrimental or which target characteristics that might be shared by some of those responsible (or with the wider public). The Home Office’s statutory guidance reiterates that PSPOs should be used responsibly and proportionately, only in response to issues that cause anti-social behaviour, and only where necessary to protect the public.

There are also a number of practical considerations which should be borne in mind when choosing the right tool. PSPOs can be resource-intensive to introduce and enforce and there will need to be commitment from partners to ensure it can be implemented effectively.

Councils will need to be satisfied that where they choose to pursue introducing an Order as part of their strategy, they have met the requirements of the legislation. This is covered in detail in the following sections.

Introducing a PSPO

Where councils have identified that a PSPO may be a suitable response to a particular local issue, they will then need to consider how to ensure they meet the statutory criteria. This will include determining:

- the appropriate scope of the Order
- the area covered by the restrictions
- the potential impact of the proposals
- how each of the restrictions meets the legal test.

Councils will also need to consider how best the Order should be worded and establish an evidence base to support the proposals, incorporating a consultation process. Other issues, such as the practical implications around implementation and what is possible to enforce, will also need to be borne in mind.

⁴ See, for example, City of York Council: https://www.york.gov.uk/info/20081/arts_and_culture/1155/busking_in_york

Early engagement with partners and stakeholders can be useful in understanding the nature of the issue, how best to respond – and, if an Order is proposed, how it might be drafted. This is likely to require involvement, and pooling of information, from a variety of sources, including councillors and officers from across council departments (including, for example, community safety, environmental health, parks, equalities, legal), police colleagues and external agencies.

It is useful for local areas to seek early contact with interest groups when scoping their proposals, to help identify how best to approach a particular issue, before the formal statutory consultation takes place. For example, a local residents' association or regular users of a park or those involved in specific activities in the area, such as buskers or other street entertainers. An effective consultation process with a range of stakeholders will also help to assess the impact of the ASB and where an appropriate balance for restrictions on behaviour should lie (see supporting evidence and consultation, below).

“Engagement with representative groups early on was really constructive – they helped advise us on other legislation we needed to be mindful of, and helped us draft something that worked.”

Carmarthenshire County Council

Ongoing engagement with, and commitment from, partners will be crucial for introducing, implementing and enforcing a PSPO and ensuring there are resources available to support it.

Activity subject to an Order – overview

PSPOs can be used to restrict a broad range of activities. Under section 59 of the 2014 Act, local authorities must be satisfied on reasonable grounds that the activity subject to an Order:

- has a detrimental effect on the quality of life of those in the locality (or it is likely

that activities will take place and have such an effect)

- is (or is likely to be) persistent or continuing in nature
- is (or is likely to be) unreasonable
- justifies the restrictions being imposed.

PSPOs must set out clearly what the detrimental activities are. What may be regarded as ‘anti-social’ is a subjective concept, and similarly determining whether or not behaviour is detrimental and unreasonable can present some challenges and will require careful consideration.

Councils will need to assess how certain behaviours are perceived, and their impact – both on the community broadly, and on its most vulnerable individuals. Some areas have included an additional test locally that the behaviour needs to be severe enough to cause alarm, harassment or distress. Collating evidence that illustrates the detrimental impact of particular activities will be important (see supporting evidence and consultation, below).

When assessing what is ‘unreasonable’ activity, councils will need to balance the rights of the community to enjoy public spaces without ASB, with the civil liberties of individuals and groups who may be affected by any restrictions imposed. Further, some of those affected by possible restrictions may be vulnerable and councils need to look carefully at what impact the proposals might have on certain groups or individuals (see assessing potential impact and the Equality Act, below).

Appropriate restrictions

As set out above, the restrictions imposed by an Order must be reasonable, and either prevent or reduce the detrimental effect of the problem behaviour, or reduce the risk of that detrimental effect continuing, occurring or recurring. Ensuring that the prohibitions or requirements included in a PSPO are solid, easily understood and can withstand scrutiny is key.

Orders must state what restrictions are being imposed to either prohibit certain things, and/or require certain things to be done by those

engaged in specific activities. PSPOs are most effective and most robust to challenge where they are **tightly drafted and focus on the precise harmful behaviour identified**. Being clear on addressing the problem behaviour in an Order can help avoid the risk of unduly pursuing individuals who may not be causing any real harm.

Homeless people and rough sleepers

The Home Office guidance sets out that PSPOs should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed. It suggests the council should consider whether the use of a PSPO is the appropriate response and if it will have a detrimental impact on homeless people and rough sleepers. Councils will find it useful to consult with national or local homeless charities on this issue, when councils are considering restrictions or requirements that could affect homeless people and rough sleepers.

Groups hanging around/standing in groups/playing games

It is important that any Orders put in place do not inadvertently restrict everyday sociability in public spaces. Restrictions that are too broad or general in nature may, for instance, force young people into out-of-the-way spaces and put them at risk. It is useful to consider whether there are alternative spaces that they can use. The Home Office guidance notes that people living in temporary accommodation may not be able to stay in their accommodation during the day and may find themselves spending extended time in public spaces. It's important to consider when putting in place any restrictions that public spaces are available for the use and enjoyment of a broad spectrum of the public, and that people of all ages are free to gather, talk and play games.

In the London Borough of Brent, residents and park users identified issues with public defecation, alcohol use, public disturbances and intimidation. The council introduced a PSPO targeting the cause of the ASB – groups congregating, attracted by offers of casual labour. The council was keen not to enforce against rough sleepers or job-seekers but instead outlaw the offering of employment within the area, and the running of an unlicensed transport service. The aim was to deter those seeking to exploit casual labourers and those profiting from bringing certain groups to the area.

Proposals should clearly define which specific behaviours are not permitted or are required, and any exemptions that might apply. Careful wording will help people to understand whether or not they are in breach once the Order has been implemented and give them an opportunity to modify their behaviour. It will also help to avoid any unintended consequences. Councils' legal teams should be able to advise on the precise wording to use.

Limitations

There are some limitations set out in the legislation regarding behaviours that can be restricted by PSPOs. Under the 2014 Act, local authorities must have regard to the freedoms permitted under articles 10 and 11 of the Human Rights Act 1998 when drafting, extending, varying or discharging an Order. These cover freedom of expression, and freedom of assembly and association respectively (although it is worth noting here that PSPOs might be considered appropriate for addressing aggravating behaviours such as the use of noise-enhancing equipment like amplifiers). Wherever proposals for an Order have the potential to impinge on the rights under articles 10 and 11, consideration must be given as to how to demonstrate that they satisfy the requirements of paragraph 2 in each of the articles.

Where a PSPO covers alcohol prohibition, section 62 of the 2014 Act lists a number of premises to which an Order cannot apply – such as licensed premises.

Further, there are some restrictions under section 63 on what action might be taken for a breach of an Order that prohibits consumption of alcohol (see enforcement and implementation, below).

Where Orders will restrict public rights of way, section 64 of the Act requires authorities to consider a number of issues, including the impact on those living nearby and the availability of alternative routes – and sets out some categories of highway where rights of way cannot be restricted. Councils may also conclude that PSPOs restricting access should only be introduced where the ASB is facilitated by the use of that right of way – otherwise it may be more appropriate to draft an Order focussed on the problem behaviour instead.

Some PSPOs have been introduced to address ASB linked with ingesting new psychoactive substances (NPS). The Psychoactive Substances Act 2016 introduces new legislation regarding the production and supply of NPS, but, unlike controlled drugs, does not criminalise the possession of substances alone.⁵ Effective implementation and enforcement of PSPOs that deal with the consumption of psychoactive or intoxicating substances will require particularly careful consideration. Wording of these Orders should be precise to avoid any unintended consequences, ensuring it is clear what substances are covered or exempted.⁶

Area subject to an Order

The Act and Home Office statutory guidance set out the types of land which can be subject to a PSPO, or where additional considerations or requirements apply (eg when undertaking the consultation process). The activity restricted by an Order must be carried out in a public place, which is defined in the legislation as ‘any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission’.

⁵ Unless in a custodial institution.

⁶ It may be useful to refer to The Psychoactive Substances Act 2016, which includes a list of substances that might be deemed to produce a psychoactive effect when consumed but which are exempt from the scope of the 2016 Act – for instance medicinal products, nicotine or caffeine.

There may be some restrictions on the activities that can be prohibited on certain types of land (registered common land, registered town or village greens and open access land) which should also be considered. For instance, restrictions on access to registered common land may be subject to a separate consents process under The Commons Act 2006.⁷ Further, for Orders that restrict public rights of way, section 65 of the 2014 Act sets out certain categories of highway to which such an Order cannot apply.

For addressing behaviour on privately-owned open spaces, other approaches may be more effective and appropriate. Private landowners are responsible for behaviours which occur upon their land and where landowners can be identified and traced, councils should work with them to address problem behaviour. Where landowners do not engage, councils may utilise other tools and powers available to them, such as Community Protection Notices or Civil Injunctions.

In Oldham, the council has successfully worked with a group of landowners and residents to enable them to find their own solutions to improve security and reduce ASB.

Determining the extent of the geographical area covered by an Order will mean identifying what is proportionate in the circumstances and restricting activities only where necessary – ie only where the legal test is met. It may be difficult to demonstrate that the statutory criteria under section 59 have been met across an entire broad geographical area; evidence about the extent of the anti-social behaviour within a locality should be used to inform appropriate boundaries (see supporting evidence and consultation, below).

⁷ Further information and links to additional guidance: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf

In some cases of course it will not be appropriate to introduce broad-scale restrictions. When drafting an Order placing restrictions on dogs for instance, it should be considered that owners have a duty under the Animal Welfare Act 2006, to provide for their animal's welfare, which includes exercising them. In determining the area covered by restrictions, councils should therefore consider how to accommodate the need for owners to exercise their animals.

The area which the PSPO will cover must be clearly defined. Mapping out areas where certain behaviours **are** permitted may also be helpful; for instance identifying specific park areas where dogs can be let off a lead without breaching the PSPO.

Controlling the presence of dogs

The Home Office guidance encourages councils to publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions. Councils should also consult dog law and welfare experts, for example, vets or animal welfare officers and organisations affected by restrictions before seeking to a PSPO. It may be useful to consult the Kennel Club on these issues.

The Department for Environment, Food and Rural Affairs has produced guidance in the form of a practitioner's guide on a range of tools available to deal with irresponsible dog ownership, for example, the use of a Community Protection Notice.

Where parish and town councils wish to deal with dog control issues, they are advised to approach the relevant authority, including whether a PSPO would provide the means to address the issues being experiencing by the local community. If the principal authority is satisfied that the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a PSPO.

Practical issues, such as effective enforcement and erecting signs in (or near) an area subject to an Order – as required by the legislation – should also be borne in mind when determining how large an area the Order proposals might cover.

Displacing behaviour

Notwithstanding the requirements outlined above, when defining the area restrictions should cover, consideration should be given as to whether prohibitions in one area will displace the problem behaviour elsewhere, or into a neighbouring authority. It is worth noting here that the legislation allows for Orders to address activity that 'is likely to' occur in that public place. Local areas can therefore consider whether there are any legitimate concerns that introducing an Order in one area, and not another, could simply move issues somewhere else – and thus whether it would be appropriate to extend into a larger area or adjacent street. Councils will however need to ensure that a proportionate approach is taken overall, and that there is evidence to support using a broader approach.

Where there are concerns that activity may be displaced into other areas, authorities should contact neighbouring councils to discuss managing any unintended consequences.

Order exemptions

The legislation allows for Orders to apply only in particular circumstances and may include certain exemptions. Restricting behaviours only at certain times of day, or on a seasonal basis, can help to balance the needs of different groups and may be easier to enforce. Orders might only cover times of day when the issue is particularly acute, or when the problem behaviour will have more of an impact on others. Similarly, some types of ASB can be seasonal in their nature, for example relating to school holidays or summer weather. It may be the case that only at certain times will the behaviour be regarded as sufficiently 'detrimental' to satisfy the legislative test.

Exemptions for particular groups may be appropriate. For instance, for PSPOs controlling the use of dogs, it is likely that

assistance dogs should be exempt; this will need to be explicitly stated in the wording of the Order.⁸ Exemptions might also cover particular circumstances where restrictions may or may not apply. Undertaking an effective impact assessment (see assessing potential impact and the Equality Act, below) should help to identify the consequences of a proposed Order on specific groups and therefore whether certain exemptions would be appropriate.

Assessing potential impact and the Equality Act 2010

It is important for councils to consider carefully the potential impact of a PSPO on different sections of their communities. In introducing an Order, councils must take care to ensure that they comply with the requirements of the public sector equality duty under the Equality Act 2010. The Equality Act requires public authorities to have due regard to a number of equality considerations when exercising their functions. Proposals for a PSPO should therefore be reviewed to determine how they might target or impact on certain groups.

Although it is not a specific requirement of the legislation, it is recommended that areas undertake an Equality Impact Assessment (EIA) to assess whether the proposed PSPO will have disparate impact on groups with protected characteristics.⁹ This process will help councils to establish any potential negative impacts and consider how to mitigate against these. This exercise will also help to ensure transparency.

Areas that have undertaken an EIA before introducing a PSPO have reported how useful this was¹⁰, providing an opportunity to give full and separate consideration to the effect that each of the prohibitions or requirements might have on those in particular groups, and

enabling areas to consider how they could minimise any negative consequences – both in terms of the scope of the proposals and in how they might be implemented. Undertaking an EIA before introducing a PSPO can help to inform how best to balance the interests of different parts of the community, and provide evidence as to whether or not the restrictions being proposed are justified – as required by section 59 of the 2014 Act.

Duration of PSPOs

Orders can be introduced for a maximum of three years, and may be extended beyond this for further three-year period(s) where certain criteria are met (see extension, variation and discharge, below). The proposed length should reflect the need for an appropriate and proportionate response to the problem issue. Some areas have introduced shorter Orders to address very specific issues, where it is felt that a longer-term approach is unnecessary.

Supporting evidence and consultation

Local areas will, of course, need to satisfy themselves that the legislative requirements are met before an Order can be introduced, and obtaining clear evidence to support this is important. Collating information about the nature and impact of the ASB subject to the PSPO are core elements of the evidence-gathering and consultation process and will help inform the council's view as to whether the requirements under section 59 of the Act have been fulfilled.

The evidence will need to be weighed up before authorities can determine whether or not it is appropriate and proportionate to introduce a PSPO at all, and if so, whether the draft proposals are suitable. It can be used to help shape the scope of the Order, including any exemptions – such as times of day when a behaviour might be prohibited – and can also help to determine what area the Order should cover and how long it should last. The most robust Orders will be supported by a solid evidence base and rationale that sets out how

⁸ This differs from some Dog Control Orders, which automatically excluded assistance dogs from restrictions.

⁹ The Equality Duty covers: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Marriage and civil partnership are also covered in some circumstances.

¹⁰ See example from Oxford City Council: <http://mycouncil.oxford.gov.uk/ieDecisionDetails.aspx?AllId=10095>

the statutory criteria for each of the proposed restrictions have been met, and demonstrates a direct link between the anti-social behaviour and the PSPO being proposed in response.

The nature of this evidence, and how it should be weighted, is largely down to councils to determine, although obtaining a range of data from different sources as part of this process will be particularly useful in informing decision-making, and may help to avoid challenge further down the line (see further evidence, below, for specific examples). The Act does however require that there is a consultation process before an Order can be made (and held again when an Order is extended, varied or discharged).

Statutory consultation – who to contact?

Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification (see also publication and communication, below).

Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.

There are additional requirements under the Act regarding Orders that restrict public rights of way over a highway (see below), but beyond this, and the broad requirements above, local authorities can determine for themselves what an appropriate consultation process might entail. However, this does provide an important opportunity to seek a broad range of views on the issue and can be invaluable in determining ways forward, establishing the final scope of the proposals and ascertaining their impact.

Encouraging open discussion as part of the consultation process can help to identify how best to balance the interests of different groups – both those affected by the anti-social

behaviour and those who will be restricted by the terms of an Order – and a chance to explore whether there may be any unintended consequences from the proposals; in particular, any adverse impacts on vulnerable people.

‘Community representatives’ are defined broadly in the Act as ‘any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area’. This gives councils the freedom to determine who best to contact given local circumstances and the scope of the proposals. Those who will be directly affected by the Order, or groups representing their interests, should be directly approached. Further, several areas have reported that they found it useful to actively seek out stakeholders who might oppose the proposals during their consultation.

In several areas early discussions with stakeholders who might be affected by a PSPO have proven very useful. This engagement, often before a more formal consultation process, not only provides an opportunity to discuss the anti-social behaviour and its impact on others, but also gives the council an in-depth understanding of stakeholders’ key concerns, and tests the impact that any restrictions on behaviour might have. This has helped scope the proposals and in some cases identified alternative ways of tackling the problem behaviour.

Identifying appropriate stakeholders to approach will obviously depend on the nature and scope of the PSPO in question. Alongside residents, users of the public space, and those likely to be directly affected by the restrictions, this might include residents’ associations, local businesses, commissioned service providers, charities and relevant interest groups.

The Kennel Club (via KC Dog) has been contacted by several councils looking to introduce PSPOs affecting dogs and their owners. Where an Order will restrict access over land, utility service providers should be included within the consultation process.

Consultation approaches

Councils should use a range of means to reach out to potential respondents, some of whom may be unable to feed back in certain ways, eg online. Local demographics and the characteristics of those who may be most affected by the ASB or the Order can also help to identify the best mechanisms for ensuring a comprehensive consultation process (for instance, using social media where young people may be particularly affected). Similarly, different tools may be utilised in various ways to enrich the information gathered – for instance, a survey of park users which is repeated at various times of day to cover a range of people using the public space.

Existing meetings such as ward panels may provide opportunities to discuss the issue and encourage more formal consultation responses. Securing written statements from those particularly affected, such as landowners, can be particularly useful in building the evidence base for supporting the introduction of a PSPO.

In Cheshire West and Chester their PSPO consultation not only asked respondents whether or not they found particular activities problematic, but also whether or not that behaviour should be addressed via a PSPO. By asking open questions that allowed for free comments, it provided an opportunity for respondents to give their views on what they felt should be a proportionate response to each specific issue identified.

An effective consultation should provide an overview of what the local issues are, set out why a PSPO is being proposed, and what its impact would be. Publishing details of the extent of the problem behaviour can assist respondents to understand why a PSPO is being considered and help inform views on whether it would therefore be an appropriate response.

The consultation should also provide sufficient means for respondents to oppose the proposals and may also be used to elicit

views on alternative approaches. Achieving a healthy response rate, with considered responses, will help to support the evidence base for introducing an Order and refuting challenge.

“The open consultation format was actually really useful in identifying new issues. We haven’t lost anything from the process; all these things have gone into action plans to try and sort out.”

Cheshire West and Chester

Examples of consultation methods from local areas include:

- online questionnaires
- postal surveys
- face-to-face interviews
- contact with residents’ associations
- focus groups with stakeholders and interest groups representing those who will be affected
- discussions with service providers working directly with affected groups
- discussions at ward panel meetings
- publicity via local press or social media
- publications in libraries and other public buildings
- on-street surveys
- drop-in sessions in the area subject to the PSPO.

Surveys or questionnaires have been an integral part of councils’ consultation processes for PSPOs and provide a chance to test the extent to which the proposals satisfy the statutory requirements under section 59. The questions might explore:

- what effect the activities in question have on residents, businesses and visitors – and whether this is detrimental

- how safe respondents feel and what impacts on this
- how often problem behaviours are personally encountered by individuals
- when and where problems occur
- whether the behaviour is so unreasonable that it should be banned.

Feedback from some areas suggests that seeking expert advice on drafting questions and undertaking consultations can help ensure that questions are appropriately phrased, clear and objective.

There are no statutory requirements about the length of the consultation process. However it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order, taking into account for instance any holiday periods that may affect response rates – this may take several weeks or even months. Some issues may require time to fully explore and understand – councils should not be reluctant to extend the initial consultation period if it is clear that this would be beneficial in the longer-term.

Additional requirements for PSPOs restricting public rights of way

In the case of Orders restricting access over public highways (eg through the installation of gates), the Act sets out specific additional requirements for the consultation process. The council must notify those who may be potentially affected by the Order, let them know how they can see a copy of the PSPO proposals and when they need to submit any responses, and is required to consider any representations made. Councils must also consider the effect of the restrictions on occupiers of premises adjacent to or adjoining the highway, on other people in the locality and, where this is a through route, whether a reasonably convenient alternative is available. These considerations should include, for example, access for emergency services or utility companies.

Achieving support from the local community for these types of Orders is particularly

important for ensuring their success; if gates are regularly left open by residents then it is unlikely that the ASB will be addressed.

In Oldham, a two-stage process is used for consultation for PSPOs that restrict access over public highways.

After local discussions it was found that often directly-affected properties were occupied by transient residents who were less likely to respond to a consultation process. This negatively impacted upon settled residents as non-responses were not counted towards the approval rate for schemes and failure to reach the agreed approval rate resulted in proposals not being progressed any further.

Working with residents and councillors, the policy was amended and now states that if, after two contacts, there is no response from a household directly affected by the proposal, and in the absence of a clear objection, the default position becomes support for the proposed Order, thus achieving a much higher level of support for the proposals. In order to achieve a balance the approval rate required to move to the next step of broader consultation was increased to 90 per cent.

Consultation outcomes

Consultation responses will clearly require some analysis once they are collected. Councils might consider examining the demography of respondents to the consultation. This can help to gauge whether they are, for example, residents or visitors, and can be useful in determining who is likely to be impacted most by either the problem behaviour or restrictions on behaviour. This can be useful in helping to shape the final Order provisions.

“The consultation allowed us to measure the fear of crime – often things are not reported and the statistics don’t show this.”

Cheshire West and Chester Council

Councils may wish to publish the outcomes of their consultation process, and other supporting evidence, in the interests of transparency (subject to data protection requirements).

Further evidence

As noted above the 2014 Act requires local authorities to formally consult with the police and the police and crime commissioner (PCC) – and there should be further engagement with relevant lead officers from the police to help build the evidence base and identify the potential impact of an Order. Early engagement with and support from police partners is likely to be key in introducing an Order. As well as assisting with identifying the problem behaviour and therefore the scope of any responses, this can also help to draw out some of the more practical implications of introducing an Order, such as how it will be enforced – which may shape how the PSPO is drafted.

Alongside eliciting views from the police and PCC, there may be a number of additional sources of information that help to inform decision-making and support (or oppose) the introduction of an Order or specific prohibitions. These might include:

- the community safety partnership's strategic assessment
- police data on crime and anti-social behaviour incidents (including the impact of some problem behaviours, such as excessive drinking)
- hospital data on ingesting new psychoactive substances
- calls to 101
- calls to council services reporting incidents
- residents' logs and photographs of anti-social behaviour
- mapping of problem areas
- data on the effectiveness of previous Gating Orders or Dog Control Orders
- CCTV footage of incidents
- reports from council staff such as park wardens and cleaners.

Collecting data covering a prolonged period may help to satisfy the legislative requirement that the activities subject to the draft Order are persistent. Some areas have collated evidence covering a two year period in order to demonstrate this.

Political accountability, scrutiny and sign-off

Within the confines of the framework outlined above (and subject to legal challenge), councils have the freedom to determine their own procedures for introducing a PSPO, ensuring that the statutory requirements have been met and giving final approval for an Order to go ahead.

Close involvement of councillors and ensuring political buy-in throughout the implementation process are key. This provides political accountability for decisions taken – which is particularly important if the proposals may attract some opposition, and where insufficient member involvement may lead to challenge. Political support is also important to ensure that sufficient resources will be made available to implement and enforce the PSPO throughout its duration. Many areas have agreed that final approval and sign-off of PSPOs should be undertaken at cabinet/ executive or Full Council level.

In ensuring that the requirements under section 59 of the 2014 Act have been satisfied, councillors will have a significant role to play in unpicking what might be regarded as unreasonable and detrimental behaviour in the locality and what would constitute reasonable restrictions or requirements.

Discussions at senior political level by those who understand their local areas best, will help to ensure that the views of all parts of the community are reflected, and find an appropriate balance between the interests of those affected by the ASB and those likely to be affected by the proposed restrictions.

Councillors will also have an important role in examining the processes used in drafting the proposals. This will include analysing the outcomes of the consultation process and other supporting evidence offered to satisfy the statutory criteria, and determining whether, on balance this provides sufficient grounds to proceed (it should be noted here the need to ensure compliance with data protection legislation when sharing this information).

Several areas have used overview and scrutiny committees to examine draft Orders and challenge proposed ways forward. This adds a further element of democratic accountability and helps to ensure that decisions made are sound and transparent. In several cases, involvement from scrutiny committees has helped to focus the scope of Orders proposed.

Committees provide a useful mechanism to test the proposals and their potential impact, and the evidence base for introducing them; front-line councillors can provide different perspectives and may also offer suggestions for alternative approaches.

Suggested questions for overview and scrutiny committees

What evidence is there that the anti-social behaviour is or is likely to be persistent, detrimental and unreasonable?

Why is a PSPO being proposed to address this issue or issues?

Is the proposed restriction proportionate to the specific harm or nuisance that is being caused?

What alternative approaches are available and why is a PSPO appropriate in these circumstances?

Will the proposals alleviate each of the problem behaviours?

Have exemptions been considered?

What might be the unintended consequences for each aspect of the

PSPO?

What will be the impact on different groups? Has an equalities impact assessment been undertaken and what were its findings? What can be done to mitigate against any negative consequences?

How have the consultation outcomes and other evidence collated been taken into account?

How will the PSPO be enforced for each restriction/requirement? Are there sufficient resources to do this effectively?

Enforcement and implementation

Enforcement protocols

As noted earlier, issues regarding some of the more practical aspects of implementation and enforcement of PSPOs should be borne in mind from the beginning of the planning process – and may help shape the scope and wording of the Order itself. Further, effective implementation of a PSPO is likely to be part of a broader strategic approach that includes a number of different initiatives to tackle the problem issues.

Beyond this, local areas will want to develop specific protocols regarding enforcement action, before the Order is implemented. These protocols should incorporate expert input on the issues related to the ASB in question, and, recognising that there may be other options available to address a particular ASB incident, provide guidance on what might be the most appropriate legislative (or other) tool to use in different circumstances. Some areas have developed a process map to provide a step-by-step diagram to agreed enforcement procedures.

Protocols should also cover what should be done in the event of a breach. It is an offence under section 67 of the 2014 Act to breach an Order without a reasonable excuse. In the case of Orders that prohibit alcohol

consumption, where it is reasonably believed that a person has been or intends to consume alcohol, it is an offence under section 63 either to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol or a container for alcohol).

Procedures should therefore consider circumstances where there may be a 'reasonable excuse' for breaching the Order, for instance a medical reason for public urination (such circumstances may be covered explicitly as exemptions in the wording of the Order). Protocols also provide a further opportunity to recognise that some of those responsible for the behaviour covered in the Order may themselves be vulnerable and in need of support; they should therefore include referral pathways where there are any safeguarding concerns, and signpost to other services.

In the London Borough of Brent enforcement of the PSPO is shared between the police and the council with joint visits from UK Border Agency and Brent's employment and skills team, who seek to offer routes into legitimate employment for jobseekers.

Who is responsible for enforcement will vary across areas. In some, enforcement will be undertaken by council officers – this may include ASB officers, housing officers, park wardens, etc – and in others this may be undertaken in partnership with police officers and/or police community support officers. Protocols may therefore require agreement regarding patrolling activity and reporting arrangements – some of which will be informed by the specific behaviour in question. Some authorities have also encouraged local people to report incidents of possible breaches, which can help shape enforcement responses going forward, particularly around timetabling patrols.

“Local communities have helped to identify the peak periods for problems in the park – patrol times can then be planned accordingly.”

Coventry City Council

As well as developing protocols, training will help delegated officers to understand how the Order should be enforced in practice. In Cheshire West and Chester, this included training from the ambulance service to reinforce that the safety of individuals was paramount and help officers understand, for instance, the possible dangers of ingesting psychoactive substances.

Some areas have used a 'soft-launch' period as the Order becomes live. This provides an opportunity to test protocols with officers before full implementation. It also gives councils the chance to raise awareness of the new pending prohibitions – and demonstrate that some behaviours have been causing concern. However areas should consider how to manage any risks if implementation is delayed.

Fixed penalty notices

As noted above, it is an offence under section 67 to breach an Order without reasonable excuse, and where Orders prohibit alcohol consumption, it is an offence under section 63 to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol/a container for alcohol).

Under the Act, authorised officers have the power to issue fixed penalty notices (FPNs) to anyone they reasonably believe is in breach. Section 68 sets out a framework for issuing FPNs but councils will also have their own broader protocols around issuing fines to which they should also refer – this might cover, for instance, whether or not fines are issued to those aged under 18. Protocols should also cover when it would be appropriate to pursue an individual further where an FPN is issued but remains unpaid after the prescribed period. In addition, there will be a need to plan for practical elements before implementation, such as developing

specific FPN templates for dealing with PSPO breaches.

“There was some concern that a £100 FPN might not be an adequate deterrent and that a broader financial range for FPNs, up to £400, would be preferred. However, the current arrangements do allow for a summons to court to be issued for persistent offenders where multiple FPNs have been issued.”

Royal Borough of Kensington and Chelsea

It will not always be appropriate to issue FPNs. Warnings may often be sufficient, and in many areas this is the initial preferred response. In some, advice sheets are handed out in the majority of cases, informing recipients that their behaviour breaches an Order, giving them the chance to comply or providing an opportunity for them to be moved on. Councils have reported that in most cases this has been sufficient to address the behaviour and there has been no need to take further action.

Publication and communication

Using an effective communication strategy to raise awareness about a PSPO is important throughout the implementation process, and should incorporate contact with partners and stakeholders as well as members of the public. Successful communications can help with informing the appropriate scope of an Order, engaging members of the community and others during the consultation process, and ensuring effective enforcement.

The legislation also sets out a number of requirements. Draft proposals for a PSPO must be published as part of the consultation process. For new or varied Orders the text must be published; for extended or discharged Orders the proposal must be publicised.

Home Office guidance suggests the close or direct involvement of elected members will help to ensure openness and accountability. The guidance suggests this can be achieved, for example, where the decision is put to the Cabinet or full council.

The area covered by the proposals must be well defined; publishing maps of the affected area will help to clarify where behaviours are controlled. There are requirements in the legislation for notifying any parish or community councils in the affected area, and for notifying the county council where the Order is being made by a district council. There are further requirements for formal notifications regarding Orders that restrict access to public highways (see also supporting evidence and consultation, above).

Regulations set out additional requirements regarding the publication of PSPOs¹¹ that have been made, varied or extended, stipulating that these must be:

- published on the local authority’s website
- erected on or adjacent to the place the Order relates to, and is sufficient to draw attention, setting out the effect of the Order and whether it has been made, varied or extended.

The same requirements apply where an Order has been discharged, and must also include the date at which it ceases to have effect.

Signs publishing the Order in the affected locality do not necessarily need to set out all the provisions of the Order, but rather state where this information can be found. Multiple signs are likely to be required, particularly where the Order covers a large area.

These requirements should be regarded as a minimum and a range of options should be explored; in practice it is helpful to use a variety of means to help publicise the Order to raise awareness, avoid confusion and give people the opportunity to comply.

¹¹ Statutory Instruments 2014 no. 2591 The Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders)

Effective communication helps people understand what behaviours are expected in particular areas, and reduces the need to rely on enforcement measures.

In some areas leaflets have been printed detailing the new prohibitions in different languages, for distribution by officers. Similarly the nature of the Order itself may suggest some communication channels may be more effective than others. For instance, an Order covering the ingestion of legal highs at a music festival in Chelmsford was promoted via a social media campaign to reflect the demographics of those most likely to be attending the festival and who are likely to be reached via these means.

Effective communication with residents and partners throughout can also help manage expectations about the impact of introducing an Order. Putting a PSPO in place can be a lengthy process and it is important to maintain communication about when it will come into effect and/or be enforced and if other measures are being utilised in the interim. In addition this can help residents to understand that simply having an Order in place is unlikely to resolve an issue overnight – which may be even more important where there has been media interest in the proposals.

Legal challenge

PSPOs can be challenged under the Act on the grounds that the local authority did not have the power either to make the Order or include particular prohibitions or requirements, or that proper processes had not been followed as prescribed by the legislation. Challenges must be made to the High Court within six weeks of the Order being made, and by an individual who lives in, regularly works in or visits the restricted area. The High Court can uphold, quash or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict. As with all orders and powers, the making of a PSPO can be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.

Extension, variation and discharge

A PSPO can be made for a maximum duration of up to three years, after which it may be extended if certain criteria under section 60 of the Act are met. This includes that an extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity. Extensions can be repeated, with each lasting for a maximum of three years. Effective evaluation of Orders will be important when determining whether any extensions or variations would be appropriate.

Councils should consider carefully what length of time would be reasonable and proportionate given the nature of behaviour in question and the impact of the restrictions being posed – byelaws, which are permanent, may be more appropriate if the issue concerned is unlikely to be transient. The impact of the original Order should be evaluated before any extensions are approved – where ASB has been completely eradicated as a result of a PSPO, it is proportionate and appropriate to consider the likelihood of recurrence of problems if the Order is not extended.

Orders can also be varied under the Act, by altering the area to which it applies, or changing the requirements of the Order. The same legislative tests of detrimental impact, proportionality and reasonableness need to be satisfied, as set out earlier in this guidance. Similarly, PSPOs can be discharged before their original end date.

Where PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a further consultation process (see publication and communication, above). Similarly, under section 72 councils are required at all of these stages to have particular regard to articles 10 and 11 of the Human Rights Act 1998 (see limitations, above).

In light of the updated statutory guidance from the Home Office on anti-social behaviour powers, published in December 2017, councils should review their PSPOs

when they are up for renewal and take into account these recent changes to the statutory guidance.

protocols are being used and whether practices are appropriate and consistent.

Existing Designated Public Place Orders, Gating Orders and Dog Control Orders

Any DPPOs, Gating Orders or DCOs are automatically treated as if they were provisions of a PSPO. The transitioned Order will then remain in force up to a maximum of three years (2020) from the point of transition.

There is no requirement in the legislation for councils to undertake a new consultation process where existing DPPOs, Gating Orders or DCOs automatically transition, although local areas may consider reviewing these current Orders ahead of this time to ensure their provisions meet the legal tests for PSPOs. It is recommended that councils publicise any PSPOs that replace existing DPPOs, Gating Orders or DCOs to help raise public awareness.

Local councils have the discretion to consider what changes to signage are needed to notify members of the public. Any extension, variation or discharge of a transitioned PSPO would mean the local councils should carry out the necessary consultation and publication of the proposed Order.

Evaluating impact

As noted above, evaluating the impact of a PSPO will be important when considering extending or varying an Order, however assessing the effects, and effectiveness of the Order, should form part of ongoing performance management. Several areas have introduced procedures to monitor the impact of an Order at regular intervals.

A thorough evaluation will help to determine if the PSPO has addressed each aspect of the problem behaviour, whether discharging or varying the Order would be appropriate – and why – and what any variations might look like. Crucially it will also help measure the impact on people, including identifying any unintended consequences of the provisions. It should consider whether there has been any displacement of the issue to other areas and might also look at how enforcement

Resources

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals

Home Office, December 2017

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf

A councillors' guide to tackling new psychoactive substances

LGA 2016

<http://www.local.gov.uk/councillors-guide-tackling-new-psychoactive-substances>

A guide to community engagement for those contemplating management on common land

Natural England, 2012

www.historicengland.org.uk/images-books/publications/common-purpose/

Dealing with irresponsible dog ownership: Practitioner's manual

Defra, 2014

www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf

Ending rough sleeping by 2012:

A self-assessment health check

Department for Communities and Local Government, 2009

<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/housing/pdf/endroughsleeping.pdf>

Reform of anti-social behaviour powers:

Public and open spaces

Home Office information note,

Home Office, 2014

www.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf

Legislation

Anti-social Behaviour, Crime and Policing Act 2014

www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2

Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/2591/contents/made>

Human Rights Act 1998

www.legislation.gov.uk/ukpga/1998/42/contents

Psychoactive Substances Act 2016

www.legislation.gov.uk/ukpga/2016/2/contents



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We consider requests on an individual basis.

THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

BROADLAND DISTRICT COUNCIL PUBLIC SPACES PROTECTION ORDER No. 1/2018

1. This Order is made by Broadland District Council ("the Council") under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and this Order may be cited as the Broadland District Council Public Spaces Protection Order No. 1/2018.
2. The Council is satisfied that:
 - (a) Activities being the fouling of land by dogs and the failure to remove dog faeces in the restricted areas as described below in article 5(1) have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the restricted areas and they will have such an effect.
 - (b) The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and is, or likely to be, such as to make the activities unreasonable and justifies the restrictions imposed by this Order.
 - (c) The restricted areas in respect of article 5(1) of this Order for the avoidance of doubt include but are not limited to all public highway including footway, verge and footpath, all public parks, pleasure grounds, sports grounds, recreation grounds, playing fields, cemeteries and play areas where these are open to the public as of right or by virtue of express or implied permission.
3. Under section 67 of the Act it is a criminal offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order. A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have the power to include in the public spaces protection order.
4. This Order comes into force at midnight on (insert date) for a period of 3 years unless extended under section 60 of the Act.
5. **REQUIREMENTS AND PROHIBITIONS**

5(1) FOULING - REQUIREMENT TO REMOVE DOG FAECES

Subject to article 7 below if within the administrative area of the Council a dog defecates at any time on land to which the public or any section of the public has access, on payment or

otherwise, as of right or by virtue of express or implied permission the person who is in charge of the dog at the time shall remove the faeces from the land forthwith.

6. OFFENCE

A person failing to comply with the requirement set out in article 5(1) of this Order shall be guilty of an offence unless:-

- (a) he or she has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his or her failing to do so.

7. EXEMPTIONS

Nothing in article 5(1) of this Order shall apply to a person who:-

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) has a disability which affects his or her mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he or she relies for assistance. A registered charity means a charity registered with the Charity Commission for England and Wales

8. FOR THE PURPOSE OF THIS ORDER

- 8(1) A person who habitually has a dog in his or her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- 8(2) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land to satisfy the requirement of article 5(1).
- 8(3) The Council does not consider being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces is a reasonable excuse for failing to remove the faeces as required by article 5(1).

9. **PENALTY**

A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

10. **FIXED PENALTY NOTICE**

10.1 A constable or an authorised officer of the Council or a person authorised by the Council in that regard may issue a fixed penalty notice to anyone who he or she believes has failed without reasonable excuse to comply with the requirement as set out in article 5(1) of this order and thus has committed an offence under section 67 of the Act.

10.2 The level of the fixed penalty shall be £100 save that if the fixed penalty is paid within 10 days following the date of the notice the amount payable is reduced to £80.

10.3 A person who pays the fixed penalty within the period of 14 days following the date of the notice may not be convicted of the offence in respect of which the fixed penalty notice was issued.

Dated.....

The common seal of Broadland District Council was affixed in the presence of

Signature.....

Authorised Officer –

Challenging the Validity of Orders

An interested person may apply to the High Court to question the validity of:-

- a. This Order, or
- b. A future variation of this Order.

“interested person” means an individual who lives in the restricted area or who regularly works or visits that area.

An interested person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

- a. The Council did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- b. A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order or variation.



Equality Impact Assessment

Name of Officer/s completing assessment:

Tony Garland

Date of Assessment: 24th August 2018

1. What is the proposed Policy?

Public Space Protection Order (PSPO) for dog fouling offences, to replace the current legislation (Dogs (Fouling of Land) Act 1996) used to enforce dog fouling offences (failure of an owner to clear up after their dog) with a PSPO which covers land currently excluded under the existing legislation. Within the current law and the proposed PSPO exceptions are included for guide dogs for the blind, and any 'reasonable excuse'.

2. Which protected characteristics does this Policy impact: (please tick all that apply)

Age	<input checked="" type="checkbox"/>	Sex	<input type="checkbox"/>	Pregnancy/Maternity	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>	Gender Reassignment	<input type="checkbox"/>
Race	<input type="checkbox"/>	Civil Partnership/Marriage	<input type="checkbox"/>	Religion or Belief	<input type="checkbox"/>
Health	<input checked="" type="checkbox"/>	Rurality	<input type="checkbox"/>	Low Income	<input type="checkbox"/>
None of the above					<input type="checkbox"/>

3. What do you believe are the potential equalities impacts of this policy?

Please include:

- Any other groups impacted not detailed above
- Partnership organisations worked with in the development of this policy
- Evidence gathered to inform your decision
- Where you have consulted, Who and How this has informed the decision/policy

Note: Impacts could be positive and/or negative and impact groups differently

The proposed application of the PSPO seeks to improve the safety and cleanliness of publicly accessible areas in Broadland through the provision of an updated legal deterrent to those who fail to remove their dog's faeces if they have fouled in such an area. The intended outcome is to have a benefit to all residents including those with protected characteristics.

On consulting with the Health, Housing & Partnerships Officer (HHPO) it was discussed that there are those who may have a 'reasonable excuse' in not complying with the order and thus potentially experiencing a negative impact should the introduction of a PSPO take place, individuals who:

- Do not have, either temporarily or permanently, the physical capacity to remove their dog's faeces, such as people who are older, pregnant or have a health issue and/or disability.
- Do not have, either temporarily or permanently, the mental capacity to be aware of the requirement to remove, such as those who are very young, have a learning disability, mental ill health or are on the Autistic Spectrum.

4. How is it proposed that any identified impacts are mitigated?

Please include:

- **Steps taken to mitigate, for example, other services that may be available**
- **If you are unable to resolve the issues highlighted during this assessment please explain why**
- **How impacts will be monitored and addressed?**
- **Could the decision/policy be implemented in a different way?**
- **What is the impact if the decision/policy is not implemented?**

To mitigate any potential negative impacts, the Investigating Officer should recognise if there are circumstances which could lead to a defence of 'reasonable excuse' under the PSPO. There would be no way to foresee this without involving the individual in an investigation where they have been witnessed failing to clear up after their dog. In addition steps will be taken to ensure that the individual is enabled to present the facts of their case and that individual consideration, will be applied to each case when considering if a breach of the order has taken place. This includes whether to, prosecute, issue a fixed penalty notice, provide advice and guidance or take no further action.

Having discussed with the HHPO each of the protected characteristics at risk it was agreed the best approach was to look at each case in terms of the mitigating circumstances and determine the appropriate course of action, being mindful also of the Council's Enforcement Policy. Where enforcement action is being considered by an officer, the Manager and Head of Service is consulted as part of the decision-making process, which allows for further control.

Finally, periodical monitoring of the PSPO will take place, including whether negative impacts for the protected characteristics noted above, or others, have been noted and if a review of practice/procedure is necessary.

Signed by evaluator:

Signed by responsible head of department:

Please send your completed forms to victoria.parsons@broadland.gov.uk to be reviewed and stored in accordance with our legal duty. You may also wish to contact the Housing, Health & Partnerships Officer if at any time you need assistance filling in your assessment.

NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1 PARAGRAPH 3 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED) BY THE LOCAL AUTHORITIES (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 (contains information relating to the financial or business affairs of any particular person (including the authority holding that information))

Pages 79 to 82 are not available to the public because the information is confidential as it includes exempt information about the financial or business affairs of a person

CABINET

Tuesday 23 October 2018

Final Papers

Item	Details	Page No
10	<u>Budget Look Forward 2019-2020</u> To receive a report setting out a provisional forward look at the Council's medium term financial position.	84 – 91

DEMOCRATIC SERVICES

Broadland District Council
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU
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BUDGET LOOK FORWARD 2019-2020

Portfolio Holder: Finance
Wards Affected: All

1 SUMMARY

- 1.1 Financial Procedure Rules require the Head of Finance and Revenue Services to present to Cabinet, a provisional Forward Look of the Council's medium term financial position in the autumn. This signals the start of the budget setting process. Appendix 1 shows the preliminary position which will now form the base for the work to set the 2019-2020 Budget.
- 1.2 Identified issues will be subject to detailed consideration by Members with a joint Cabinet and Overview and Scrutiny Committee meeting in December, with a further discussion with more detailed information being available taking place at Cabinet in January, prior to recommending a Budget and Council Tax level to February Council.
- 1.3 This report shows the *starting point* for budget projections for the next three years in Appendix 1.
- 1.4 Included in the figures is the level of funding already advised from revenue support grant for 2019-20.
- 1.5 The Government is consulting on increasing the baseline before New Homes Bonus is paid and therefore an estimate has been included at 0.5 percent not the current 0.4 percent. This will be revised if necessary once the baseline has been set in the Financial Settlement announced in late autumn. Work is ongoing to establish the level of new build in the District. However there is also the possibility that New Homes Bonus may be discontinued as part of the Comprehensive Spending Review.
- 1.6 The estimated baseline for Business Rates for 2019-20 and moving forward to 2020-21 and onwards has been modelled for the purpose of this report. However, there is still uncertainty regarding local government funding therefore the figures may change once more information is available in mid 2019. This will be after the 2019-20 budget has been approved. The Medium Term Financial Plan will be updated at that point.
- 1.7 The budget process will firstly ensure the Council's budgets for services are reworked and appropriate for 2019-20. Consideration will secondly be applied for any collaboration implications for 2019-20. It should be noted that while the feasibility study had indicative estimates and savings in the report how these are to be achieved and the business cases for increased costs will not necessarily be available to the Finance Team during this budget setting

period. It is therefore proposed to only budget for collaboration where there is certainty of activity in progress.

- 1.8 A review of inflation has been undertaken and adjustments made to the Medium Term Financial Plan (MTFP) based on information in the Bank of England's Inflation Report for August 2018.
- 1.9 The initial draw on general reserves is estimated at £0.823m in 2019-20, totalling £2.724m over the three years to 2022. This would leave reserves at £9.533m. With the uncertainty of future funding it is prudent to have a reasonable level of reserves available. The current minimum level of reserves set by the Head of Finance and Revenue Services is £2m.
- 1.10 The final Local Government Settlement for 2016-17 set out an offer from the Government to local authorities to enable them to access four year allocations of funding. The Department of Communities and Local Government (DCLG) confirmed agreement of the Council's efficiency plan in 2016. These allocations are in the current MTFP. This only applies to the Councils' Revenue Support Grant and this is the last year of the agreed efficiency plan.

2 KEY DECISION

- 2.1 This is a key decision and has been published in the Forward Plan.

3 INTRODUCTION

- 3.1 The major factor affecting future budget setting is obviously the level of external grant support that the Council will receive in 2019-20 and the allocation of funding after the conclusion of the Fair Funding Review and launch of 75 percent Business Rate Retention. The outcome of the two latter changes will not be known until after the 2019-20 budget is set, however the impact on the MTFP for future years will be affected and therefore it is difficult to predict long term funding for the Council at this stage and therefore to commit to long term projects.

4 THE ISSUES

- 4.1 The only confirmed funding figure in Appendix 1 is the Revenue Support Grant.
- 4.2 Staffing represents a key budget cost for the Council. Broadland has a local pay scheme. As agreed at 1 July 2014 Cabinet, an annual cost of living award is now required to be built into the salary budget. The information necessary to set this level will not be available until March. In addition the Council's Performance Related Pay (PRP) scheme has reverted to the

substantive scheme. For budget setting purposes a figure of two percent has been adopted across the Council's salary budgets to cover the cost of the annual award and PRP for the term of the MTFP.

5 DISCUSSION

- 5.1 A joint meeting with the Overview and Scrutiny Committee will be held in December 2018. Members of the Overview and Scrutiny Committee will be invited to question the Cabinet about their future spending proposals. The Cabinet will receive a further report in January 2019, which will pick up on issues raised both at this meeting and any changes within the Local Government Finance announcement if available, along with any known adjustments required. The proposed budget for the next financial year and updated MTFP will be finalised at this meeting, so that Cabinet can make appropriate recommendations to Council in February 2019.
- 5.2 There is a statutory need to consult with businesses during the budget setting process and an advert will be placed to meet this requirement.
- 5.3 Various options exist for the Council to consult with the wider community. These range from the use of an external market research company, use of web based surveys, to development of our own internet survey.
- 5.4 The use of a simple online survey could be an effective way to gauge residents' satisfaction with the Council's performance and what they view as priority areas for funding. This approach was adopted last year when asking residents about a Council Tax rise. An approach around consulting residents could be adopted.
- 5.5 There is an option to discuss budgets in *Broadland News* to inform residents.
- 5.6 Members are asked to give their views on whether they wish to see resources allocated to a residents consultation exercise for 2019-20.

6 PROPOSED ACTION

- 6.1 The 2019-20 budget will be progressed in readiness for the Cabinet in January 2019 to recommend to Council in February 2019.
- 6.2 Any consultation and the joint debate with Overview and Scrutiny will be undertaken before the final report is produced.

7 RESOURCE IMPLICATIONS

- 7.1 The major factor affecting the MTFP is the uncertainty as to future funding allocations and for 2019-20 the proposed changes regarding New Homes Bonus.
- 7.2 In addition, the Council has for two financial years, drawn on the General Fund Reserve. Although the funds drawn down have been less than budgeted for, this draw reduces the Fund at a time when it would be prudent to maintain higher level of reserves to compensate for any loss of funding as an impact of the Fair Funding Review.
- 7.3 The Council will need to consider its approach regarding Council Tax rises over the coming period. Deferral of Council Tax increases results in a lower base for subsequent years and the Council is still in the lower quartile for Council Tax across the country. Tax rises are important to allow baseline expenditure to keep pace with inflation.
- 7.4 It is important to give the taxpayers a part to play in this financial decision making. Should a decision be not to raise further funding through Council Tax increases, the Council needs to look to alternative sources of funding to cover expenditure. However it should be noted that the referendum principles set by central Government also limit flexibility in being able to increase Council Tax in respect of special expenses and internal drainage boards.
- 7.5 It is important that the Council considers its Capital Strategy alongside the revenue budgets and the correlation between the two funding streams. The level of the Council's capital reserves is not extensive and consideration will be needed of potential large scale projects and the impact on both revenue and capital budgets and reserves.
- 7.6 Specific service issues will be considered in the budget process but some have come to light at this stage. The Council is anticipating some growth in the clinical waste budget, following the NHS changing how they deal with this waste. Previously patients have been advised to take their clinical waste back to the doctors / pharmacies and this has been collected and paid for by the NHS. Technically local authorities should be paying for this, so the NHS are planning to stop providing this service, which will mean increased demand for the Council. Officers are not aware of the amount as yet, as they have yet to establish the method of collection for this waste. Officers have also been unable to get any firm figures from the NHS as to how many potential users of the service there are in the District, but it is estimated this could be in the region of £60-80,000.
- 7.7 The proposal for a Members' Grant Scheme will require a growth bid of £23,500.

- 7.8 If Members agree a new policy to charge for wheeled bins at new properties, this could create an income of circa £50,000 per annum.
- 7.9 The Council are planning to do some survey work at Reedham Quay which is likely to result in some work being required. The figure is currently unknown, but could be in the region of £20,000.

8 LEGAL IMPLICATIONS

- 8.1 The Council is required to set a balanced budget after taking account of the use of reserves. Any decisions about service level reductions should ideally be made before a Council Tax is approved and after due consultation with affected stakeholders.
- 8.2 The Section 151 Officer (Head of Finance and Revenue Services) is obliged to report to Council on any imprudent use of the Council's reserves, where recurring long term financial commitments are entered into without a clear Council Tax increase / service reduction policy.

9 RISK IMPLICATIONS

- 9.1 The risk to the Council is that the predicted funding figures do not materialise for income expected from Business Rates and New Homes Bonus and delays on the future of local government finance make it increasingly difficult to plan forward.
- 9.2 A further risk is that any relevant savings do not materialise. To mitigate the risks as detailed in the report, prudent and thorough budgeting is being undertaken to ensure the Council is able to continue to operate in an effective manner, based on the information available over the budgeting period.
- 9.3 The Head of Finance and Revenue Services is also in discussion with the Ministry of Housing, Communities and Local Government (MHCLG) and HM Treasury with other Chief Finance Officers (CFOs) regarding clarity over future funding. This gives the Council early notification of MHCLGs thoughts and puts the Council in a good place to influence discussions.

10 EQUALITIES IMPLICATIONS

- 10.1 Any reduction in funding affects all the residents of Broadland if there is a need to reduce or stop services.

11 CONCLUSION

- 11.1 The budget process will now follow to set an appropriate budget for 2019/20 for Council to consider in February 2019.

12 OPTIONS

- 12.1 The Cabinet has the following options:

- (1) agree the proposed budget setting timetable for 2019/20 and the format of the meeting with Overview and Scrutiny Committee;
- (2) agree the format for budget consultation, if any; and
- (3) note the need for Portfolio Holders to prepare draft budgets as soon as possible to allow for discussion with the Overview and Scrutiny Committee in December 2018.

Jill Penn
Head of Finance and Revenue Services

Background Papers

None.

For further information on this report call Jill Penn on (01603) 430486 or e-mail jill.penn@broadland.go.uk

Appendix 1

Medium Term Financial Plan

	2018/19 Approved £000	2019/20 Draft £000	2020/21 Draft £000	2021/22 Draft £000	2022/23 Draft £000	2023/24 Draft £000
Base Net Expenditure	11,026	11,282	11,672	12,028	12,314	12,604
<u>Recurring Adjustments:</u>						
Net (Savings)/Growth	256	391	356	286	290	294
Base Net Budget for following year	11,282	11,672	12,028	12,314	12,604	12,899
<u>Non Recurring Adjustments</u>						
Net (Savings)/Growth	53	30	0	0	0	0
Net transfers to/(from) Earmarked Reserves	(460)	(186)	20	0	0	0
Net Budget Requirement	10,875	11,516	12,048	12,314	12,604	12,899
<i>Increase or (Decrease) on previous year</i>		5.9%	4.6%	2.2%	2.4%	2.3%
<u>Funded from:</u>						
External Support - RSG	438	30	0	0	0	0
External Support - Business Rates	2,766	2,827	2,884	2,941	3,000	3,060
External Support - New Homes Bonus	2,008	2,100	2,095	2,084	1,968	2,000
Special Expenses - Street Lighting Income	83	118	118	118	118	118
Collection Fund - Surplus / (Deficit)	(109)	0	0	0	0	0
Net Funding Before Precept	5,186	5,075	5,097	5,143	5,086	5,178
Broadland's share of precept	5,540	5,618	5,932	6,290	6,660	7,043
Net Funding Including Precept	10,726	10,693	11,028	11,433	11,747	12,221
Draw on Reserves	148	823	1,020	881	858	677
Total Funding	10,875	11,516	12,048	12,314	12,604	12,899
General Reserve at start of year	(12,406)	(12,257)	(11,434)	(10,414)	(9,533)	(8,675)
Draw on reserves	148	823	1,020	881	858	677
General Reserve at end of year	(12,257)	(11,434)	(10,414)	(9,533)	(8,675)	(7,998)
Draw on Reserves (cumulative)	148	972	1,992	2,873	3,730	4,408
Council Tax Calculation						
Council Taxbase (Homes)	45,735	46,375	47,024	47,964	48,924	49,902
Council Tax per Property (£)	121.14	121.14	126.14	131.14	136.14	141.14
Broadland's share of precept (£000)	5,540	5,618	5,932	6,290	6,660	7,043
Annual Increase (£)	4.99	0.00	5.00	5.00	5.00	5.00
Total Amount of Increase in Council Tax Revenue (£)	228,218	0	235,120	239,822	244,619	249,511
Total Percentage Increase in Council Tax Revenue (%)		0.00%	4.13%	3.96%	3.81%	3.67%
New Homes Bonus	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
October 2013 to October 2014	376					
October 2014 to October 2015	505	505				
October 2015 to October 2016	511	511	511			
October 2016 to October 2017	616	616	616	616		
October 2017 to October 2018		468	468	468	468	
October 2018 to October 2019			500	500	500	500
October 2019 to October 2020				500	500	500
October 2020 to October 2021					500	500
October 2021 to October 2022						500
Total payable	2,008	2,100	2,095	2,084	1,968	2,000

New Homes Bonus is payable in respect of housing growth in the district between two successive Octobers, with a time lag of six months between the end of the qualifying period and the start of the year in which the bonus is paid. For example, the first instalment on housing growth occurring between October 2016 and October 2017 is paid during the financial year 2018/19.

Following the 2015 consultation MHCLG's preferred option was for instalments to decrease from six years to four, with a reduction in entitlement linked to relevant planning appeals and the absence of Local Plans. In December 2016 the MHCLG confirmed that they would decrease the instalments paid on previous years' housing growth to five years in 2017/18 and four years from 2018/19 onwards.

Inflation (average figure)

Bank of England CPI estimates, Aug 2018:

2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
2.70%	2.60%	2.50%	2.00%	2.00%	2.00%

Inflation according to CPI measures has risen to 2.7% over the last twelve months. The Bank of England's inflation target is 2.0%; their August inflation forecast is for an average of 2.5% over 2019/20, reducing to around 2.4% in 2020/21, and to 2% in 2021/22. However, some contracts (for example waste collection and street lighting maintenance) specify an annual uplift linked to RPI, which is usually above CPI. As these contracts account for a large proportion of the authority's expenditure this has been reflected in the average inflation estimates for future years.

The average gap between CPI and RPI over the last twelve months is 0.93%, with a maximum gap of 1.1%. As the parameters for calculating RPI were re-written in 2014 to provide a closer parallel to those governing the CPI measure, these two measures were expected to converge.

Capital Program Funding*

The majority of capital expenditure is non-recurring or project based. Consequently there is an item of growth in the Non-Recurring section (£469,000 in 2017/18) which represents the budget for revenue funding of the capital programme.

If the authority takes out long-term debt to fund the capital programme in future, the cost of interest and a provision to repay the principal will be included within the Growth line in the Recurring section of the Summary table.

CABINET

Tuesday 23 October 2018

Further Final Papers

Item	Details	Page No
9	<u>Place Shaping Panel</u>	93 – 98

To receive the Minutes of the meeting held on 9 October 2018.

DEMOCRATIC SERVICES

Broadland District Council
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU
Tel: 01603 430428
Email: cst@broadland.gov.uk

Minutes of a meeting of the **Place Shaping Panel** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 9 October 2018** at **6.00 pm** when there were present:

Mr I N Moncur – Chairman

Mr G Everett
Mr R R Foulger

Mrs J Leggett
Mr G K Nurden

Mr S Riley

Also in attendance were the Interim Head of Housing and Environmental Services, Spatial Planning Manager, Senior Community Planning Officer, Housing Enabler and Committee Officer (JO).

28 MINUTES

The Minutes of the meeting held on 3 May 2018 were confirmed as a correct record and signed by the Chairman.

29 WEST BROADLAND GREEN INFRASTRUCTURE PROJECT PLAN

The report requested that the Panel note and endorse a Green Infrastructure Project Plan for the western area of Broadland District, to complement a similar Plan that had been produced for the east of the district in 2015.

The Project Plan identified opportunities to enhance and develop woodlands, footpaths, informal open spaces and other green infrastructure in the west of the district, for the benefit of residents and wildlife.

The Plan had been drafted in preparation for when suitable financial resources became available through either planning permission contributions or the Community Infrastructure Levy; possibly in conjunction with other external funding sources.

The aim of the Plan was to help mitigate the environmental impact of future growth, allow residents to access recreational opportunities closer to home and to have a strong, positive effect on the health and wellbeing of the local population.

The Plan was focused on the following ten projects:

- Thorpe Marriott Greenway
- Drayton to Horsford Greenway
- Hellesdon to Drayton Greenway

- South Drayton Greenway
- Felthorpe Common / Drayton Drewray – Site Enhancements
- Horsford Heath / Horsford Woods – Site Enhancements
- East Horsford – Connectivity & Circular Walk
- Hevingham Park – Site Enhancements
- Great Wood, Haveringland – Site Enhancements
- Marriott's Way Circular Walks

In response to a query, it was confirmed that the Thorpe Marriott Greenway should be one of the first projects delivered, as the tree belt was owned by Broadland and there was no requirement to seek permission from landowners for the project. A planning application for the Thorpe Marriott Greenway was to be considered by the Planning Committee on 24 October 2018. Drayton Parish Council had supported the application, but Taverham Parish Council had expressed concerns about possible anti-social behaviour. It was confirmed that the area had been inspected and mitigation measures, such as defensive planting, could be put in place to prevent neighbouring residents from being disturbed. Specific police patrols in the area were suggested by the Panel, to prevent anti-social behaviour.

It was emphasised that the Green Infrastructure projects in both the east and west were a list of credible potential projects, which required the release of funding through development. They were not to be confused with allocated recreational spaces provided as part of a planning application.

AGREED

to note and endorse the West Broadland Green Infrastructure Project Plan.

30 RESPONSE TO CONSULTATION ON THE HOUSING GREEN PAPER – A NEW DEAL FOR SOCIAL HOUSING

The report presented a Government Green Paper 'A new deal for social housing', which proposed fundamental reforms to ensure social housing provided a safe, well managed environment following the Grenfell Tower tragedy.

A consultation on the Green Paper was being held and it was proposed that the Council respond, based on its experience as a predominantly non-stock holding authority.

The Green Paper was divided into the following five parts:

- Ensuring homes are safe and decent
- Effective resolution of complaints
- Empowering residents and strengthening the Regulator
- Tackling stigma and celebrating thriving communities
- Expanding supply and supporting home ownership

Broadland District Council currently owned two properties, which were used as Temporary Accommodation. All the social housing within Broadland was managed by Housing Associations such as Clarion, Orbit, Victory Housing Trust, Cotman, Saffron Housing Trust and Flagship.

A response to the Green Paper consultation was being compiled by Broadland officers in discussion with housing association staff. Input from officers at South Norfolk had also been requested, although no joint response would be made, as greater weight would be given to the number of responses received.

The final draft response to the Green Paper would be discussed with the Portfolio Holder for Housing and Wellbeing prior to submission.

The Portfolio Holder for Housing and Wellbeing advised the meeting that the Council had a very good record of delivering affordable housing; which had reached a 15 year high in 2015, with 257 properties completed. This figure had reduced since then, due to a lack of exceptions sites, but still remained high.

In answer to a query, the Panel was advised that there were no concerns that safety standards in social housing were less robust than in private rented accommodation.

A Member expressed concern about the loss of social housing stock and a lack of housing generally which meant that 40 percent of those in full time employment could not afford to buy a property. He suggested that local authorities should be doing more to generate housing stock to meet this need.

It was confirmed that the Council sought to achieve 33 percent affordable housing on large developments. However, developers might seek to reduce this number through viability assessments. The percentage of affordable housing sought in the Greater Norwich Local Plan, was still to be confirmed.

AGREED

to note the report and approve the method of submission to the consultation.

31 THE NATIONAL PLANNING POLICY FRAMEWORK AND THE GREATER NORWICH LOCAL PLAN

The report set out key changes to the National Planning Policy Framework (NPPF) and how they would be integrated into the Greater Norwich Local Plan.

The main changes to the NPPF placed an emphasis on strategic planning (including joint working across boundaries), housing delivery, infrastructure enhancement and strong environmental protection. It was considered that the revisions would have a positive impact on the Greater Norwich Local Plan, due to an increase in the flexibility of policies.

The key themes changed within the NPPF that were relevant to the GNLP were:

- Design quality and effective use of land
- Environmental protection
- Diversification and mix of sites to improve delivery
- Developer contributions

These changes would require plan-making to take account of design standards, bio-diversity, sustainable access to sites, co-location of housing and employment areas and a greater diversity of homes for different markets. A review of the Community Infrastructure Levy would also be undertaken, when Government guidance was available.

Other changes included strengthening the Duty to Cooperate over cross boundaries into a Statement of Common Ground in order to meet stronger, more consistent expectations. Plans would also be subject to rolling five year reviews, which would mean that work on them would be ongoing.

A new Government methodology for assessing housing need, based on projections was awaited. This was a complex process, but early indications suggested that it would lead to fewer new dwellings being required in Broadland than under the previous methodology.

A Housing Delivery Test (HDT) had also been introduced to calculate net additional dwellings against the number of homes required.

Local authorities that did not meet HDT requirements would be required to produce an Action Plan that explained the under-delivery and the ways that delivery rates could be increased. Broadland's housing delivery could be measured over the whole of Greater Norwich rather than by district.

The Spatial Planning Manager confirmed that the NPPF had implications for Local Plans, but less so for Neighbourhood Plans. However, since Neighbourhood Plans had to conform to the strategic policies of Local Plans, it would be wise for Neighbourhood Plans to take account of any changes.

In respect of density, it was confirmed that there was a push in urban areas to make greater use of the space available. This increasingly meant that houses were being built with more storeys.

Members were advised that although local plans would seek to set out a strategy for community healthcare facilities, the recruitment of healthcare professionals, especially GPs, could not be addressed by the planning system.

Frustration was expressed by Members regarding delays in the commencement of construction following the granting of planning permission. However, it was acknowledged that there was a set timeframe for starting building that could not be accelerated.

AGREED

to note the key changes to the National Planning Policy Framework and the potential implications for the Greater Norwich Local Plan.

32 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

33 PROPOSAL FOR A JOINT STRATEGIC HOUSING STATEMENT FOR BROADLAND AND SOUTH NORFOLK

Following the decision by Broadland District Council and South Norfolk Council to introduce a shared services arrangement, with one shared officer team led by a joint Managing Director, it was decided that a Joint Strategic

Housing Statement would be produced, which would complement each councils' existing Housing Strategies.

The housing markets of the two local authorities were similar and Broadland and South Norfolk Councils were both committed to active involvement in the housing market. Both authorities were also committed to substantial growth through the Greater Norwich Joint Core Strategy and the emerging Greater Norwich Local Plan.

Both councils had also transferred their housing stock to a housing association, so there were no 'council houses' in either administrative area. Consequently, both relied on close partnership working with housing associations to deliver new affordable homes and to make the best use of existing stock.

The Joint Strategic Housing Statement would seek to:

- establish a common approach to tenures and qualification for affordable home ownership;
- introduce 'essential worker' housing;
- establish the mutual qualification for available social housing for rent across both Districts; and
- take a joint approach to meeting need for supported housing.

It was anticipated that the Joint Strategic Housing Statement could be proposed for formal adoption by April 2019.

AGREED

to note the briefing paper.

The meeting closed at 7.40pm